United States Environmental Protection Agency Region 10, Air and Radiation Division 15-H13 1200 Sixth Avenue, Suite 155 Seattle, Washington 98101 Permit Number: R10NT502501 Issued: April 9, 2025 AFS Plant ID Number: 16011E0005

Technical Support Document Non-Title V Air Quality Operating Permit

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Mickelsen Construction, Inc.

Purpose of Owner-Requested Synthetic Minor Source Air Quality Operating Permit And Technical Support Document

Title 40 Code of Federal Regulations Section 49.139 establishes a permitting program to provide for the establishment of Federally-enforceable requirements for air pollution sources located within Indian reservations in Idaho, Oregon and Washington. The owner or operator of an air pollution source who wishes to obtain a Federally-enforceable limitation on the source's actual emissions or potential to emit must submit an application to the Regional Administrator requesting such limitation. The United States Environmental Protection Agency (EPA) then develops the permit via a public process. The permit remains in effect until it is modified, revoked or terminated by the EPA in writing.

This document, the technical support document, fulfils the requirement of 40 CFR § 49.139(c)(3) by describing the proposed limitation and its effect on the actual emissions and/or potential to emit of the air pollution source. Unlike the Operating Permit, this Technical Support Document is not legally enforceable. The permittee is obligated to follow the terms of the permit. Any errors or omissions in the summaries provided here do not excuse the permittee from the requirements of the permit.

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1. EPA Authority to Issue Synthetic Minor Source Permits

On April 8, 2005 the United States Environmental Protection Agency (EPA) adopted regulations (70 FR 18074) codified at 40 CFR Parts 9 and 49, establishing Federal Implementation Plans under the Clean Air Act for Indian reservations in Idaho, Oregon and Washington. One Federal Implementation Plan, commonly referred to as the Federal Air Rules for Reservations (FARR), put in place basic air quality regulations to protect health and welfare on Indian reservations located in the Pacific Northwest. This permit has been developed pursuant to 40 CFR § 49.139 which creates a non-Title V permitting program for establishing Federally-enforceable requirements for air pollution sources on Indian reservations.

2. **Project Description**

2.1 Background

Some sources have the potential to emit one or more pollutants in major source amounts, but have actual emissions that are below the major source thresholds. These sources are called "synthetic minor sources" and the term means a source that otherwise has the potential to emit regulated NSR pollutants in amounts that are at or above those for major sources in certain applicable federal air quality programs, but has taken a restriction so that its potential to emit is less than such amounts for major sources. Such restrictions must be enforceable as a practicable manner.

Four federal air quality programs exist that apply to primarily major sources of air pollution: Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) construction permits; Title V operating permits; and Maximum Achievable Control Technology (MACT) standards. The definition of "major source" is slightly different in each program, but is generally based on the amount of pollutants emitted by a source. A source that would otherwise be major can avoid these programs by voluntarily limiting emissions of the regulated pollutants to less than the thresholds for applicability in each program.

2.2 Request Description

On December 10, 2024, the EPA received from Mickelsen a request to replace two of the primary crusher units, to replace one and add two additional crushing units as secondary crushers, and to remove the tertiary crushing unit. They also requested to replace one liquid asphalt cement storage tank as well as add two new units and remove the No. 2 diesel storage tank. Mickelsen submitted its certified application as required by 40 CFR 49.139(d)(3) requesting these changes. EPA updated the preferred method of submission for all reporting requirements to be through the online Compliance and Emission Data Reporting Interface (CEDRI) in Condition 4.5. No production or operational limits in Mickelsen's existing air quality operating permit have been altered as a result of these changes. The previous version (attached as an Appendix to this document) of the TSD still remains valid for Mickelsen's permit.

3. Abbreviations and Acronyms

AFS	Aerometric Information Retrieval System Facility Subset
CFR	Code of Federal Regulations
CO	Carbon monoxide
EJ	Environmental Justice
EPA	United States Environmental Protection Agency (also U.S. EPA)
ESA	Endangered Species Act
FARR	Federal Air Rules for Reservations

FR	Federal Register
HAP	Hazardous air pollutant (plural: HAPs)
HMA	Hot mix asphalt
MACT	Maximum Achievable Control Technology (Title 40 CFR Part 63)
NESHAP	National Emission Standards for Hazardous Air Pollutants (Title 40 CFR Parts 61 & 63)
NHPA	National Historical Preservation Act
NOx	Nitrogen oxides
NNSR	Nonattainment New Source Review
NSPS	New Source Performance Standards (40 CFR Part 60)
PM	Particulate matter
PM10	Particulate matter ≤ 10 micrometers
PM2.5	Particulate matter ≤ 2.5 micrometers
PSD	Prevention of Significant Deterioration (40 CFR Part 52)
PTE	Potential to emit
RAP	Recycled asphalt pavement
SO2	Sulfur dioxide
Title V	Title V of the Clean Air Act
TPY	Tons per year
TSD	Technical Support Document
VOC	Volatile organic compound

Appendix A

Previous Technical Support Document for FARR permit dated September 17, 2014

Mickelsen Construction, Inc.

Technical Support Document Synthetic Minor Source Air Quality Operating Permit R10NT502501 United States Environmental Protection Agency Region 10, Office of Air, Waste and Toxics AWT-107 1200 Sixth Avenue, Suite 900 Seattle, Washington 98101

Technical Support Document Non-Title V Air Quality Operating Permit

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Mickelsen Construction, Inc.

Purpose of Owner-Requested Synthetic Minor Source Air Quality Operating Permit And Technical Support Document

Title 40 Code of Federal Regulations Section 49.139 establishes a permitting program to provide for the establishment of Federally-enforceable requirements for air pollution sources located within Indian reservations in Idaho, Oregon and Washington. The owner or operator of an air pollution source who wishes to obtain a Federally-enforceable limitation on the source's actual emissions or potential to emit must submit an application to the Regional Administrator requesting such limitation. The United States Environmental Protection Agency (EPA) then develops the permit via a public process. The permit remains in effect until it is modified, revoked or terminated by the EPA in writing.

This document, the technical support document, fulfils the requirement of 40 CFR § 49.139(c)(3) by describing the proposed limitation and its effect on the actual emissions and/or potential to emit of the air pollution source. Unlike the Operating Permit, this Technical Support Document is not legally enforceable. The permittee is obligated to follow the terms of the permit. Any errors or omissions in the summaries provided here do not excuse the permittee from the requirements of the permit.

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Appendix A – Emission Inventory showing potential to emit calculations based on production and operational limits contained in the permit.

1. EPA Authority to Issue Synthetic Minor Source Permits

On April 8, 2005 the United States Environmental Protection Agency (EPA) adopted regulations (70 FR 18074) codified at 40 CFR Parts 9 and 49, establishing Federal Implementation Plans under the Clean Air Act for Indian reservations in Idaho, Oregon and Washington. One Federal Implementation Plan, commonly referred to as the Federal Air Rules for Reservations (FARR), put in place basic air quality regulations to protect health and welfare on Indian reservations located in the Pacific Northwest. This permit has been developed pursuant to 40 CFR § 49.139 which creates a non-Title V permitting program for establishing Federally-enforceable requirements for air pollution sources on Indian reservations.

2. **Project Description**

2.1 Background

Some sources have the potential to emit one or more pollutants in major source amounts, but have actual emissions that are below the major source thresholds. These sources are called "synthetic minor sources" and the term means a source that otherwise has the potential to emit regulated NSR pollutants in amounts that are at or above those for major sources in certain applicable federal air quality programs, but has taken a restriction so that its potential to emit is less than such amounts for major sources. Such restrictions must be enforceable as a practicable manner.

Four federal air quality programs exist that apply to primarily major sources of air pollution: Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) construction permits; Title V operating permits; and Maximum Achievable Control Technology (MACT) standards. The definition of "major source" is slightly different in each program, but is generally based on the amount of pollutants emitted by a source. A source that would otherwise be major can avoid these programs by voluntarily limiting emissions of the regulated pollutants to less than the thresholds for applicability in each program.

2.2 Request Description

On February 14, 2011, EPA Region 10 received an application from Mickelsen Construction Company, Inc. requesting emission limits be established for their plant on the Fort Hall Reservation, to avoid being subject to the PSD, NNSR and Title V permitting programs. The applicant has indicated that their facility's potential to emit is less than the MACT thresholds. EPA issued a synthetic minor permit to Mickelsen on September 23, 2013.

On January 15, 2014, the EPA received from Mickelsen a request to replace the drum dryer in the asphalt production process and add a crusher as part of the aggregate crushing operation in order to crush recycled asphalt pavement (RAP) and use it as aggregate in producing hot mix asphalt at the facility. As a result, EPA is including production and operational limits in Mickelsen's existing air quality operating permit to assure the allowable annual emissions limits are enforceable as a practical matter. Mickelsen submitted its certified application as required by 40 CFR 49.139(d)(3) requesting these changes on July 23, 2014.

3. Facility Information

3.1 Ownership & Location

The hot mix asphalt plant and aggregate handling and crushing activities are owned and operated by Mickelsen Construction, Inc. (Mickelsen or permittee). This synthetic minor source permit establishes emission limits on the operation of Mickelsen's facility on the Fort Hall Reservation in Idaho.

3.2 Facility Description

Mickelsen is a stationary hot mix asphalt (HMA) plant and aggregate handling and crushing plant which produces aggregate and hot mix asphalt.

Mickelsen operates the following process for producing aggregate: Raw material is excavated out of the gravel source wall with a front end loader. It is then transported to the feeder in the first crusher jaw. From there the material is broken down to a more workable size and transported on a conveyor to a 6 x 20 screen. The material is separated by size and transported by conveyor to the HP 300 cone for final sizing. From the cone, the material is transported by conveyor to separate stock piles, depending on the size of the rock, to be picked up by a second front-end loader and stockpiled in designated piles in the bottom of the pit for sales and for use in the production of hot mix asphalt on-site at Mickelsen's facility.

During the process of moving and crushing gravel, the permittee uses a 10,000-gallon water tank from which water is pumped to all transfer points to control dust emissions. Dust on the haul roads is controlled by a water truck that keeps the road wet. The tanks are filled from Mickelsen's water supply source.

Mickelsen supplies material to local contractors and state entities as well as the Shoshone Bannock Transportation Department. After the gravel has been processed and stockpiled, it is available for pick up by the above-listed entities. Mickelsen loads the customers' vehicles by obtaining a light-weight on the truck at the scale house, loading with desired material using a front-end loader, and obtaining a heavyweight at the scale house.

Mickelsen follows the following process for producing asphalt: The loader picks up coarse and fine aggregate from the stockpiles and transports it to the cold aggregate bins. From these bins, aggregate is transported by conveyor to the belt-scale conveyor, which then transfers it to the drum mixer and dryer. There, the gravel is heated and oil is injected. The drum mixer and dryer is connected to the wet scrubber system and is a physical and operational limitation on the capacity of the source to emit a pollutant. From the drum mixer, the hot-mix asphalt is dumped into the drag conveyor which moves the finished product to the silo bin. At the silo bin, the material is weighed and loaded into trucks.

The parallel-flow drum dryer and mixer is heated by burners fueled by propane. Hot-mix asphalt liquid is stored in above-ground storage tanks and kept in a liquid state using a burner fueled by No. 2 diesel. All fuels are stored in above-ground tanks. Electrical power is provided by a connection to the local grid. The facility Standard Industrial Classification code is 2951, Asphalt Paving Mixtures and Blocks. The drum dryer emissions are controlled by a wet scrubber system.

The synthetic minor source air quality permit identifies and describes the emission units and emission controls for the Mickelsen plant.

3.3 Local Air Quality

Mickelsen has requested this permit for its operations on the Fort Hall Reservation. This reservation is currently unclassifiable or attains the national ambient air quality standards for all criteria pollutants except particulate matter less than or equal to 10 micrometers in diameter (PM10). An area is unclassifiable when there is insufficient monitoring data. Areas of the country where air pollution levels exceed the national ambient air quality standards are designated "nonattainment." The Fort Hall Reservation is currently designated as nonattainment for PM10. Note that PSD applies only in attainment and unclassifiable areas and NNSR applies in nonattainment areas. Ambient air quality designations are presented in 40 CFR Part 81.

4. Regulatory Analysis and Permit Content

4.1 Evaluation of Request

The Clean Air Act requires all major sources to obtain a PSD and/or NNSR permit to construct and Title V permit to operate. Major sources of hazardous air pollutants (HAP) are also subject to the MACT program. The definition of "major" and the criteria for qualifying as a major source are slightly different for each of the three programs. HMA plants that have the potential to emit (PTE) 250 tons per year or more are subject to PSD. Sources that have the potential to emit 10 tons per year or more of any individual HAP or 25 tons per year or more of any combination of HAPs emitted (including fugitive emissions) are subject to the MACT program. Sources that have the potential to emit 100 tons per year or more or that are major for PSD, NNSR or MACT purposes, are subject to Title V. PTE is based on the source's maximum capacity operating 8760 hours per year and only considers emission controls or limits that are enforceable. Source categories subject to a New Source Performance Standard (NSPS) that was promulgated as of August 7, 1980, must include fugitive emissions when determining major source status. NSPS Subpart I, originally promulgated in 1973, applies to HMA plants, so fugitive emissions must be counted when determining major source status for HMA plants.

Since the permittee's drum dryer was constructed in 1988 (after the applicability date of June 11, 1973) this HMA plant is subject to subpart I. The subpart I standard includes a particulate matter emission limit of 0.04 grains per dry standard cubic foot of exhaust. The standard also requires a source test upon startup. This particulate matter emission limit was also used to evaluate potential to emit estimates in the emission inventory.

Based on EPA's calculations, Mickelsen's facility has the potential to emit more than the PSD or Title V major source thresholds of 250 tpy and 100 tpy respectively of particulate matter (PM), particulate matter with an aerodynamic diameter less than 10 microns (PM_{10}), particulate matter with an aerodynamic diameter less than 10 microns (PM_{10}), particulate matter with an aerodynamic diameter less than 2.5 microns ($PM_{2.5}$), and carbon monoxide (CO). Greenhouse gas (GHG) emissions are predicted to be less than the Title V threshold of 100,000 tpy on a carbon dioxide equivalent (CO2e) basis. Lead emissions are predicted to be well below the Title V and MACT applicability thresholds. HAP (total and individual) emissions are predicted to be well below the Title V and MACT applicability thresholds. Without enforceable emission limits, Mickelsen's operation would be subject to Title V and any potential or operational changes at the facility would potentially be subject to PSD and NNSR.

The emission estimates considered each applicable emission limit paired with the fuel type that can be used by the equipment to determine the worst-case emissions that are allowed, assuming full-time operation at full capacity. Note that individual HAP PTE estimates were based on propane fuel burned in the drum mixer for any single HAP. Source-wide HAP PTE was a summation of the emission units' total HAP PTE. PTE was also limited by applicable NSPS and FARR emission limits when the limits resulted

in lower emissions than available emission estimation techniques predicted. The permittee can use the site-specific PM data to develop an emission factor for use when reporting actual emissions.

To avoid being subject to Title V, PSD and NNSR, the permittee requested PTE limits (called synthetic minor limits) be created in a synthetic minor source air quality operating permit. To make the PTE limits practicably enforceable a limit on the total amount of hot mix asphalt produced and a limit on the total amount of raw materials (i.e., rock, concrete rubble, or recycled asphalt) processed is also included in this air quality permit. See Appendix A for emission inventory details showing that these production and operational limits will restrict emissions to levels below the PTE limits. The permittee anticipates only seasonal operations, resulting in production that is below the potential production used in the emission estimates. At the lower production rate and using propane fuel in the drum dryer, the permittee is confident that its actual emissions will be well below the emission limits requested. Actual emissions will be determined using actual production rates, fuels and control efficiencies. If better emission factors (e.g. developed by testing the emissions from this source) are available that better reflect actual emissions, then those factors should be used. The permit will limit emissions, production and operations on a rolling 12-month basis to:

- Not more than 200 tpy for PM (avoids PSD);
- Not more than 80 tpy for CO, PM10, and PM2.5 (avoids Title V for all listed pollutants, and NNSR for PM10);
- Not more than 300,000 tons of hot mix asphalt produced;
- Not more than 500,000 tons of raw materials processed including rock, concrete rubble, and recycled asphalt pavement (or any combination of the three)

A majority of the PM emissions from this plant are expected to be fugitive emissions from truck and loader traffic associated with the rock crushing and handling operations. These PM emission estimates do not take into account any unenforceable emission reductions techniques that the permittee might use under the fugitive dust control plan (e.g. road watering) to comply with the fugitive dust or visible emission requirements that may apply. Techniques exist for quantifying emission reductions due to road watering. If the permittee relies upon controls to lower actual emissions, the EPA will require adequate documentation of the emission reduction techniques and applicable operational parameters that the guantification techniques employ. The permittee should discuss the use of such techniques with the EPA before using them for calculation, compliance and reporting purposes.

The emission inventory in Appendix A includes rock crushing and handling emission units because the permittee has indicated to the EPA that operation of these types of emission units occur in support of the HMA plant. As a result, Mickelsen's rock handling and crushing operation must be considered part of the HMA plant. Accordingly, the permittee will be required to account for the emissions from the rock handling and crushing operation, along with the HMA plant, to document compliance with the emission limits in this permit.

4.2 Other Federal Requirements

As part of EPA Region 10's direct federal implementation and oversight responsibilities, EPA Region 10 has a trust responsibility to each of the federally recognized Indian tribes within the Pacific Northwest and Alaska. The trust responsibility stems from various legal authorities including the U.S. Constitution, Treaties, statutes, executive orders, and historical relations with Indian tribes. In general terms, the EPA is charged with considering the interest of tribes in planning and decision making processes. Each office within the EPA is mandated to establish procedures for regular and meaningful consultation and collaboration with Indian tribal governments in the development of EPA decisions that have tribal implications.

EPA Region 10's Office of Air, Waste and Toxics has contacted the Shoshone-Bannock Tribes to invite consultation on the Mickelsen synthetic minor source permit application.

Endangered Species Act (ESA) – The EPA is obligated under ESA, Section 7, 16 U.S.C. §1531, to consider the impact that a federal project may have on listed species or critical habitats. The EPA considers ESA issues in the context of permitting decisions on a case-by-case basis. Based on the fact that the permit contains voluntarily-requested emission limits to an existing operation, it is the EPA's conclusion that the issuance of this permit will not affect a listed species or critical habitat. Therefore, no additional requirements will be added to this permit for ESA reasons. The EPA's no effect determination concludes the EPA's obligations under Section 7 of the ESA. (See Endangered Species Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species ACT, FWS and NMFS, March 1998, at Figure 1).

National Environmental Policy Act (NEPA) Review – Under Section 793(c) of the Energy Supply and Environmental Coordination Act of 1974, no action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. This permit is an action taken under regulations implementing the Clean Air Act and is therefore exempt from NEPA.

National Historic Preservation Act (NHPA) – This project involves establishing limits on air emissions. No part of the facility will be physically altered directly as a result of this permit. Consequently, no adverse effects are expected, and further review under NHPA is not indicated.

Environmental Justice (EJ) – Under Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, signed on February 11, 1994, the EPA is directed, to the greatest extent practicable and permitted by law, to make achieving environmental justice (EJ) part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies. Meaningful involvement means that people have an opportunity to participate in decisions about activities that may affect their environment and/or health; the public's contribution can influence the regulatory agency's decision; their concerns will be considered in the decision making process; and the decision makers seek out and facilitate the involvement of those potentially affected. The EPA's goal is to provide an environment where all people enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to maintain a healthy environment in which to live, learn, and work.

As part of the permit issuance process, the EPA solicits and considers public input prior to final decisionmaking consistent with the FARR's Rule for Non-Title V Operating Permits – 40 CFR § 49.139. See Section 5.2 of this TSD for further details.

The EPA uses census tract data to help determine whether minority populations and low-income populations reside in an area to be impacted by a proposed permitting action. The EPA transposes onto maps the EJ indicators for people of color and poverty to help illustrate the project's physical proximity to EJ communities. For the benefit of communities living on Indian Reservations in the Pacific Northwest,

maps displaying EJ indicators for people of color and poverty are available at the following EPA Region 10 website: <u>http://yosemite.epa.gov/R10/ocrej.nsf/environmental+justice/maps</u>.

The proposed permit action does not authorize Mickelsen to generate new or additional air emissions, and as a result does not authorize new air quality impacts. The EPA has no information to suggest that issuance of this synthetic minor source permit will result in a disproportionately high and adverse human health or environmental effect upon minority populations and low-income populations.

4.3 **Permit Conditions**

The permit establishes PTE limits as well as monitoring, recordkeeping and reporting requirements necessary to assure compliance with the limits. The permit is organized into 4 sections as follow:

- 1. General Conditions
- 2. Emission Limits and Work Practice Requirements
- 3. Monitoring and Recordkeeping Requirements
- 4. Reporting Requirements

An explanation of each condition in the permit follows:

Permit Section 1, General Conditions

<u>Permit Condition 1.1</u> identifies the emission units authorized to operate at the facility consistent with the representations made by the permittee in the permit application.

<u>Permit Condition 1.2</u> requires the permittee to comply with all the conditions within the permit. This permit only creates owner-requested synthetic minor limits and the requirements necessary to assure that these limits are enforceable federally and as a practical matter, which provides credible assurance that otherwise major sources are not avoiding applicable requirements of the Clean Air Act. It does not contain other Clean Air Act requirements to which the facility is or may be subject, such as the Federal Air Rules for Reservations; New Source Performance Standards, 40 CFR Part 60, and National Emissions Standards for Hazardous Air Pollutants, 40 CFR Part 61 and 63.

<u>Permit Condition 1.3</u> states compliance with the terms of this permit in no way relieves or exempts the permittee from compliance with other applicable Clean Air Act requirements or of any other applicable federal, tribal, state, or local law or regulation.

<u>Permit Condition 1.4</u> addresses a provision (40 CFR § 52.21(r)(4)) of the PSD regulations regarding emission limits established to avoid PSD requirements. If in the future, the permittee obtains a relaxation of the limits in Permit Condition 2.1 through 2.8, and the facility construction addressed in this permit action is later found to be a new major stationary source solely due to the relaxation of the emission limit, then the PSD provisions of 40 CFR § 52.21(j) through (s) would apply to this facility as though the initial facility construction had never taken place. This could result in the imposition of Best Available Control Technology. Consequently, if in the future, any relaxation to the limits in Permit Conditions 2.1 through 2.8 is being contemplated, it is recommended that the permittee thoroughly evaluate any potential PSD applicability.

<u>Permit Condition 1.5</u> requires the permittee to maintain and operate all emission units and associated control equipment in a manner to minimize air emissions at all times.

Permit Section 2, Emission Limits and Work Practice Standards

<u>Permit Conditions 2.1 to 2.4</u> limit the PTE of the facility to 80% of the major source thresholds for PSD (PM), NNSR (PM10) and Title V (CO, PM10, and PM2.5). The thresholds for each program are 250 tpy for PSD and 100 tpy for NNSR and Title V. The synthetic minor source permit limits effectively restrict emissions for PSD and NNSR purposes with the exception of PM which is no longer considered a regulated pollutant for Title V applicability purposes (which is the reason the limit is 200 tpy). These synthetic minor limits allow the permittee to be treated as a minor source for air permitting purposes. Each limit is written as a rolling 12-month total where each month, actual emissions must be totaled for the last 12 months to determine compliance with the ton per year limit. Emission factors are relied upon for calculating actual emissions.

Limiting emissions to a value less than the major source threshold levels are necessary to account for the unknown uncertainty in the calculations employed when determining actual emissions generated by this source. Limiting these "calculated emissions" to a fraction of the threshold level helps assure that actual emissions remain below the major source threshold level. According to the Clean Air Act Stationary Source Compliance Monitoring Strategy, synthetic minor sources with PTE limits at 80 to 100% of the major source thresholds will be inspected on a once every five year frequency. Setting the limits within that range will help to ensure adequate compliance assurance.

<u>Permit Condition 2.5</u> limits the facility to producing no more than 300,000 tons of hot mix asphalt (HMA) per year on a rolling 12-month total. Asphalt drum mixer/dryers represent the largest source of emissions in the HMA production process. Since emission factors for asphalt mixer/dryers in AP-42, Chapter 11.1 for HMA plants are based on the amount of tons of asphalt produced, limiting the annual production of the hot mix asphalt will effectively limit the emissions from all of the emissions units including the drum dryer involved in the production of hot mix asphalt. Limiting the amount of fuel used in the dryer/mixer is not necessary as those emissions are reflected in the drum dryer emissions factor. This owner-requested production limit also assures that the emission limits in Conditions 2.1 through 2.4 are enforceable as a practical matter and the facility maintains its synthetic minor permitting status.

<u>Permit Condition 2.6</u> limits the facility from processing no more than 500,000 tons of raw materials per year on a rolling 12-month total. Raw materials are limited to rock, concrete rubble, or recycled asphalt pavement (RAP) or any combination of the three. Aggregate crushing represents the largest source of emissions from the aggregate crushing and handling activities. Since emission factors for crushing aggregate in AP-42, Chapter 11.19.2 are based on the amount of tons of raw materials processed, limiting the annual throughput of the process will effectively limit the emissions from the facility's aggregate crushing activities. This owner-requested operational limit also assures that the emission limits in Conditions 2.1 through 2.4 are enforceable as a practical matter and the facility maintains its synthetic minor source permitting status.

<u>Permit Condition 2.7</u> limits the facility from operating the Impacter diesel engine to combusting no more than 34,280 gallons of diesel fuel per year on a rolling 12-month total. This owner-requested operational limit also assures that the facility emissions limits in Conditions 2.1 through 2.4 are enforceable as a practical matter and the facility maintains its synthetic minor source permitting status.

<u>Permit Condition 2.8</u> requires that, consistent with the application submitted, the permittee limit fuels combusted in the asphalt drum dryer to only propane or natural gas fuel, in the impacter diesel engine to only No. 2 diesel fuel, and in the asphalt heater to only No. 2 diesel or propane. Use of a different fuel could require additional permit requirements.

<u>Permit Condition 2.9</u> requires good operation of the fuel burning equipment (drum dryer and tank heater) and the drum dryer wet scrubber system. Good operation generally implies proper operation and good maintenance of equipment - burner tuning, wet scrubber inspection and replacement, or sediment cleanout of wet scrubber discharge ponds as needed. The emission factors relied upon in this permit are assumed to reflect good operation, so good maintenance and operation of the equipment is necessary to ensure the factors are representative of actual operations. This permit condition also requires the wet scrubber system to be operated at all times the drum dryer is operated.

Permit Section 3, Monitoring and Recordkeeping Requirements

<u>Permit Conditions 3.1 to 3.5 Visible Emission Monitoring and Recordkeeping</u> - These conditions require a daily survey (a plant walkthrough) for visible emissions, from the drum dryer wet scrubber system stack, as well as specific follow-up steps (investigation, corrective action, RM9 observation and additional recordkeeping and reporting) if visible emissions are observed. If observed visible emissions cannot be eliminated within 24 hours, a RM9 opacity observation must be performed. Records of all surveys and observations are required to be kept for a period of five years. This requirement will help ensure that emissions do not exceed the limits created by this permit.

<u>Permit Condition 3.6 Wet Scrubber System Inspection and Recordkeeping</u> - This permit condition requires an annual internal inspection of the wet scrubber system to check for wear, corrosion and degradation, sediment (solids) level in discharge ponds, or other relevant factors that could impair the performance of the unit. Again, the requirement to inspect and appropriately maintain the wet scrubber system is believed to be necessary to ensure the emission factors used in the monthly compliance evaluation represent actual operations.

<u>Permit Condition 3.7 Particulate Matter Emission Testing</u> - Compliance is determined using production data and emissions factors and the emission factors are reliable only if the permittee complies with the emission limits and assumptions upon which the emission factors are based. The permittee must test the drum dryer baghouse exhaust to confirm compliance with the NSPS and FARR particulate matter emission limits. If Mickelsen performs an emission test within 180 days before permit issuance while propane or natural gas and EPA accepts the earlier test, they will not have to perform the test required in Permit Condition 3.7. Test-related requirements generally found in EPA-issued permits have been added to this permit condition including test plan, notification, simultaneous visible emission observation, data reduction and parameter recording. Test reporting is required in Permit Condition 4.2.

<u>Permit Condition 3.8 Operations and Production Records</u> - The permittee must track and record the operations and production of the plant, including aggregate handling and crushing equipment aggregated with this asphalt plant, such that facility-wide emissions can be reliably calculated on a monthly and 12-month basis and for troubleshooting compliance concerns. Records shall include all information necessary to perform emission calculations as required by Permit Condition 3.10. Emission estimation techniques, and the data needed, are described in detail in Appendix A to this TSD. Most of the data (production, fuel usage, wet scrubber system pressure drop and liquid flow-rate, and fugitive dust controls) must be recorded each day. Other data, such as fuel sulfur, must be documented for each fuel load or through actual measurements to represent what is being burned at any time. Pursuant to Permit Condition 2.9, the drum dryer exhaust is required to be routed to the wet scrubber system at all times and the wet scrubber system internals to be inspected annually. The permittee must document any period of operation when (1) the drum dryer exhaust is not routed to the wet scrubber system and (2) the wet scrubber system is not in good operation to assure compliance with Permit Condition 2.9.

<u>Permit Condition 3.9 Equipment Installation</u> – Some monitoring requirements will require the permittee to have equipment to indicate the operational parameters that must be recorded. The permittee can also automate some recordkeeping systems to assure data is recorded. For instance, wet scrubber system pressure drop and liquid flow-rate requires pressure reading instrumentation and can be linked to recording equipment. Some combustion devices can also be equipped with fuel usage measurement and recording instrumentation. All records can be manually recorded by plant personnel using the technique (or "system") the permittee determines is appropriate to comply with the permit. If monitoring equipment will be installed and used, this condition requires it to be appropriately calibrated and maintained.

<u>Permit Condition 3.10 Emissions Calculations</u> – Because compliance with the synthetic minor emission limits created in this permit must be determined on a rolling 12-month basis, this condition requires the permittee to confirm compliance with the emission, production, and operational limits in the permit every month. Permittees with EPA-issued permits that contain synthetic minor limits should always collect the necessary data to calculate emissions from its plant. This will allow them to be able to produce accurate emissions calculations for any period of time necessary. If the recordkeeping is routine for the plant personnel, it is also less likely that the source will make recordkeeping errors during the time it needs to report to the EPA.

The emission calculations should be based on the best emission factors available and actual operational and production data. Calculations should be performed as they are described in Appendix A; however, assumptions in Appendix A should be verified as needed and when better information is available, it should be used. For instance, emission factors from site-specific emission testing would likely be more representative than basing emissions on NSPS limits or AP-42. Techniques used for the calculations, including any new assumptions, must be clearly documented and acceptable to the EPA.

<u>Permit Condition 3.11 Records Retention</u> – This requirement, to keep all of the required records on site for a period of five years, makes the permit consistent with other EPA recordkeeping requirements.

Permit Section 4, Reporting Requirements

<u>Permit Condition 4.1 Notification of Deviations</u> – To expedite the time it takes for the EPA to learn that the permittee is having compliance problems, this condition lists the information and timing for notifying the EPA about deviations from permit conditions. Operating circumstances that are of greatest concern (wet scrubber system not operating or functioning improperly) must be reported by telephone within 24 hours of discovery with written follow-up within 10 days. Calculated exceedances of the permit emission, production, and operational limits are required to be reported in writing within 10 days of discovery. Notifications should include a clear, complete explanation of the exceedance or situation that warrants the notification so the EPA understands the severity of the situation.

<u>Permit Condition 4.2 Emission Test Report</u> – The test report, generated by the testing required in Permit Condition 3.7, is required to be reported to EPA within 60 days of testing.

<u>Permit Condition 4.3 Annual Report</u> – If the permittee operated during a given calendar year, the permittee must submit an emission report to the EPA that provides a summary of the operations (dates) and each calculated monthly and 12-month rolling emission total required in Permit Condition 3.10, including any 12-month totals exceeding the permit limits that were previously sent to the EPA under the deviation notification requirement in Permit Condition 4.1. The emission report is due annually by February 15 following any year in which the source operated. If the source operates every year, the source is required to report every year by February 15.

While monthly emissions data might show up in more than one report, each 12-month rolling total should only be reported once. Note that the emission report required by this permit is different than the annual registration report required by 40 CFR 49.138 in the FARR.

<u>Permit Condition 4.4 and 4.5 Mailing Addresses and Telephone Numbers</u> – The telephone number for telephone notifications has been included here. Copies of all notifications and reports must be sent to the Tribal environmental contact listed that represents the reservation on which the source operates.

5. Permit Procedures

5.1 Permit Revisions, Termination and Reissuance

The permittee should contact the EPA if they are considering requesting any revision to the conditions of this permit. The EPA will evaluate the regulatory options available to the permittee and advise them of same.

If the permittee wishes to terminate the permit, a written request must be submitted to the EPA explaining the reasons for the request and, if necessary for continued operation, submitting applications for any Clean Air Act permits or approvals that the permittee avoided by the establishment of the limits contained in this permit.

This permit may be terminated, revised, or revoked and reissued by the EPA for cause. Cause exists to terminate, revise, or revoke and reissue this permit under the following circumstances:

- 1. This permit contains a material mistake;
- 2. Inaccurate statements were made in establishing the terms or conditions of this permit;
- 3. The permittee fails to comply with any condition of this permit; or
- 4. This permit must be terminated, revised, or reopened and reissued to assure compliance with Clean Air Act requirements.

5.2 Public Notice and Comment

As required under 40 CFR § 49.139(c), the draft operating permit will be publicly noticed and made available for public comment as follows:

- 1. Make available for public inspection a copy of the draft operating permit prepared by the EPA, the technical support document for the draft permit, the application, and all supporting materials including at least one location in the area affected by the air pollution source (see 40 CFR 49.139(c)(5)(i));
- 2. Publish public notice for this draft permit of the availability of the draft permit and supporting materials and of the opportunity to comment in a newspaper of general circulation (see 40 CFR 49.139(c)(5)(ii));
- 3. Provide copies of the notice to the owners or operators of the air pollution source, the Tribal governing body, and the Tribal environmental organizations as well as Idaho Department of Environmental Quality (see 40 CFR 49.139(c)(5)(iii)); and
- 4. Provide for a 30-day period for submittal of public comments, starting upon the date of publication of the notice (see 40 CFR 49.139(c)(5)(iv)).

As required in 40 CFR 49.139(c)(5)(iv) and (c)(6), the EPA will address any public comments in preparing a final permit and technical support document and will document a response to each comment explaining whether any changes to the permit resulted and the reason the change was or was not made.

As required in 40 CFR 49.139(c)(7), the EPA will send the final permit and technical support document to each person who provided comments on the draft permit to operate and the EPA will make available the final permit and technical support document at all of the locations where the draft permit was made available.

For this permit, a notice was published in the Idaho State Journal and Sho-Ban News and a 30-day period for public comment was made available. The public comment period ended on September 5, 2014. The only comments received during this time was from the permittee. The permittee requested corrections to some of the information provided in the emission unit description column in Permit Condition 1.1. These corrections were made to the permit.

6. Abbreviations and Acronyms

AFS	Aerometric Information Retrieval System Facility Subset
CFR	Code of Federal Regulations
CO	Carbon monoxide
EJ	Environmental Justice
EPA	United States Environmental Protection Agency (also U.S. EPA)
ESA	Endangered Species Act
FARR	Federal Air Rules for Reservations
FR	Federal Register
HAP	Hazardous air pollutant (plural: HAPs)
HMA	Hot mix asphalt
MACT	Maximum Achievable Control Technology (Title 40 CFR Part 63)
NESHAP	National Emission Standards for Hazardous Air Pollutants (Title 40 CFR Parts 61 & 63)
NHPA	National Historical Preservation Act
NOx	Nitrogen oxides
NNSR	Nonattainment New Source Review
NSPS	New Source Performance Standards (40 CFR Part 60)
PM	Particulate matter
PM10	Particulate matter ≤ 10 micrometers
PM2.5	Particulate matter ≤ 2.5 micrometers
PSD	Prevention of Significant Deterioration (40 CFR Part 52)
PTE	Potential to emit
RAP	Recycled asphalt pavement
SO2	Sulfur dioxide
Title V	Title V of the Clean Air Act
TPY	Tons per year
TSD	Technical Support Document
VOC	Volatile organic compound