



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917

<http://www.epa.gov/aboutepa/epa-region-8-mountains-and-plains>

Ref: 8P-AR

FEB 25 2016

Tina Archer
Environmental Project Manager
US Silica
180 North LaSalle Street, Suite 2890
Chicago, Illinois 60601

RE: Approval of the Request for Coverage for a General Air Quality Permit for New or Modified Minor Source Stone Quarrying, Crushing, and Screening Facilities in Indian Country

Dear Ms. Archer:

This letter provides the U.S. Environmental Protection Agency, Region 8's determination in response to the Request for Coverage under the General Air Quality Permit for New or Modified Minor Source Stone Quarrying, Crushing, and Screening Facilities in Indian Country (SQCS General Permit) the EPA received from US Silica pursuant to the Clean Air Act (CAA), Tribal Minor New Source Review (MNSR) Permit Program. The project for which SQCS General Permit Coverage is sought by US Silica is the construction and operation of the Parshall Transload Facility, a new rail transload facility to transport silica sand from rail cars to trucks near Parshall, North Dakota, on Indian country lands within the Fort Berthold Indian Reservation (the Project or the permitted source). Pursuant to 40 CFR 49.156(e), we approve your Request for Coverage for the Project under the SQCS General Permit.

Permittee: US Silica, 180 North LaSalle Street, Suite 2890, Chicago, Illinois 60601

Location(s): Parshall Transload Facility, located northwest of the 366th Street SW and 247 Avenue SW intersection, near Makoti, North Dakota, on the Fort Berthold Indian Reservation (described in the Request for Coverage)

Determination

The EPA has carefully reviewed US Silica's Request for Coverage, as specifically discussed in our Technical Support Document (TSD) for this action (enclosed with this Approval of the Request for Coverage), and other relevant information, to determine whether the Project meets all of the criteria to qualify it to apply for coverage under the SQCS General Permit. Based on our review of, and in reliance on, all of the information and representations provided in the Request for Coverage, the EPA has determined that the Project meets all such criteria and is eligible for coverage under the SQCS General Permit.¹

¹ We note that the EPA has determined that US Silica has provided information demonstrating that it has met the listed species and historic properties eligibility criteria in the SQCS General Permit for the Project, as discussed in our TSD.

Our analysis and basis for our determination is discussed in more detail in our TSD for this action. In addition, as also discussed in the TSD, the EPA's Approval for the Request for Coverage for the Project is based in part on our determination that the engines powering equipment for the Project do not qualify as nonroad mobile engines, as represented by US Silica in the Request for Coverage. Based on the descriptions of operations for the Project in the Request for Coverage, the engines will operate on a full time basis to power sand unloading operations at the permitted source for a period greater than one year. Therefore, these engines are considered stationary sources and are subject to any applicable requirements for stationary engines under the SQCS General Permit.

This Approval of the Request for Coverage only authorizes you to construct and operate the permitted source at the location(s) listed above. The Permittee is subject to Version 1.0 of the SQCS General Permit, a copy of which is enclosed with this Approval of the Request for Coverage.²

This Approval of the Request for Coverage must be posted prominently at the permitted source and each affected emissions unit must be labeled with the appropriate identification number listed below:

List of Affected Emissions Units Covered by this Approval of the Request for Coverage

ID #	Description of Affected Emissions Unit	Control Technology	Date of Construction
DUSTC-1, DUSTC-2, DUSTC-3, DUSTC-4	Train Sand Unloading Stations	Fully covered conveyors dust collectors	TBD
DUSTC-8800	Sand Transfer Station	Baghouse	TBD
DUSTC-8303, DUSTC-8313, DUSTC-8403, DUSTC-8413	Sand Truck Load-out Stations	Fully covered conveyors dust collectors	TBD
Building Exhaust	Sand Storage and Handling Building	Enclosed building	TBD
MENG-1, MENG-2, MENG-3, MENG-4	Diesel-fired, 60 hp, sand unloading engines	None	TBD
Tank-1	500-gallon diesel fuel storage tank	None	TBD

Applicable Permit Conditions

Your permitted source is generally subject to all terms and conditions in the SQCS General Permit that apply to each respective emissions unit or activity covered that will be present at the permitted source. However, certain conditions are not applicable to your permitted source, including:

1. Requirements for permitted sources located in nonattainment areas. Your permitted source will be located in an area that is currently designated as attainment/unclassifiable under the CAA for

² The SQCS General Permit is also available online at <http://www3.epa.gov/air/tribal/tribalnsr.html#General Permits>, and a copy of this Approval will be posted on Region 8's website at <http://www.epa.gov/caa-permitting/caa-permits-issued-epa-region-8>.

all National Ambient Air Quality Standards (NAAQS) pollutants. As such, your permitted source is not subject to the emission limits for sources in nonattainment areas.

2. The elective synthetic minor limit for co-located sources in Condition 16. Your Request for Coverage did not request the elective synthetic minor limit for co-located sources in Condition 16, and you must instead comply with the operating limit in Condition 15.
3. The fugitive emissions limits for stone quarrying, rock crushing, and screening operations in Condition 21, and the corresponding Visible Emission Survey in Condition 27 and Initial and Additional Performance Tests in Conditions 29 and 30. Your Request for Coverage did not request coverage for any stone quarrying, rock crushing, or screening operations. As such, your permitted source is not subject to the fugitive emission limits, visible emissions survey, or performance testing requirements for stone quarrying, rock crushing, and screening operations based on the current Approval for Coverage. We note that if such operations are actually conducted as part of the Project, the operations would be subject to further requirements under the SQCS General Permit and the Project would not be eligible for coverage based on the current Request for Coverage.

Correspondence

All notifications and reports under this permit shall be sent to:

U.S. Environmental Protection Agency, Region 8
Office of Enforcement, Compliance, and Environmental Justice
Air Toxics and Technical Enforcement Program, Mail Code 8ENF-AT
1595 Wynkoop Street
Denver, Colorado 80202

All documents may be submitted electronically to r8airreportenforcement@epa.gov.

Additional information

You are reminded that you must construct and/or modify and operate the affected emissions units, and any associated air pollution control technologies, in compliance with the SQCS General Permit and all other applicable federal air quality regulations and in a manner consistent with representations made in your Request for Coverage, to the extent EPA relied upon these representations in issuing this Approval of the Request for Coverage. You must comply with all applicable provisions of the General Permit, including those set forth in the attachments and emission limitations that apply to the affected emissions units at the permitted source. Noncompliance with any permit provision is a violation of the permit and may constitute a violation of the CAA; is grounds for an enforcement action; and is grounds for the EPA to revoke the Approval of the Request for Coverage and terminate your source's coverage under this General Permit. You may be subject to enforcement action for failure to obtain a preconstruction permit if you construct your source under this Approval of the Request for Coverage and your source is later determined not to qualify for the conditions and terms of the SQCS General Permit.

Pursuant to 40 CFR 49.156(e)(8), your permit becomes invalid if you do not commence construction within 18 months after the date when this Approval of the Request for Coverage becomes effective, if

you discontinue construction for a period of 18 months or more, or if you do not complete construction within a reasonable time, unless the EPA extends the 18-month period upon a satisfactory showing that an extension is justified.

The EPA's Approval of 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 SQCS General Permit (see 40 CFR 49.156(e)(6)). Any petition for review of this approval action must be filed in a timely manner with the EPA's Environmental Appeals Board (EAB) for the appropriate circuit in accordance with CAA section 307(b). In the event a petition for review is filed, construction cannot begin under this approval until the EAB petition(s) are resolved.

Please contact Claudia Smith at (303) 312-6520 or smith.claudia@epa.gov if you have any questions on the above.

Sincerely,

A handwritten signature in black ink that reads "Carl Daly". The signature is written in a cursive, flowing style.

Carl Daly, Director
Air Program

Enclosures