



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8P-AR

SEP 27 2017

John Smith
General Manager
Table Rock Minerals, LLC
P.O. Box 1530
Vernal, Utah 84078

Re: Table Rock Minerals, LLC, Gilsonite Mine
Permit # TMNSR-UO-007057-2017.001
Final True Minor New Source Review Permit and Response to Comments

Dear Mr. Smith:

The U.S. Environmental Protection Agency Region 8 has completed its review of Table Rock Minerals, LLC's application request to obtain a minor source permit pursuant to the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49 for a gilsonite mine, located on Indian country lands within the Uintah and Ouray Indian Reservation, in Uintah County, Utah.

Based on the information submitted in Table Rock Minerals, LLC's permit application, the EPA hereby issues the enclosed final MNSR permit for the Gilsonite Mine. Please review each condition carefully and note any restrictions placed on this source. A 30-day public comment period was held from August 8, 2016 to September 7, 2017. The EPA received comments from Mr. Eric Clark, P.E. of Stantec, on August 16, 2017. No other comments were received during the public comment period. The EPA's responses to the comments are also enclosed. The EPA made revisions to the permit based on Stantec's comments. The final permit will be effective on October 27, 2017.

Pursuant to 40 CFR 49.159, within 30 days after the final permit decision has been issued, any person who commented on the specific terms and conditions of the draft permit may petition the Environmental Appeals Board to review any term or condition of the permit. Any person who failed to comment on the specific terms and conditions of this permit may petition for administrative review only to the extent that the changes from the draft to the final permit or other new grounds were not reasonably ascertainable during the public comment period. The 30-day period within which a person may request review begins with this dated notice of the final permit decision. If an administrative review of the final permit is requested, the specific terms and conditions of the permit that are the subject of the request for review must be stayed.

If you have any questions concerning the enclosed final permit, please contact Claudia Smith of my staff at (303) 312-6520.

Sincerely,

A handwritten signature in black ink, appearing to read "Monica S. Morales" followed by a stylized flourish.

Monica S. Morales
Director, Air Program
Office of Partnerships and Regulatory Assistance

Enclosures (2)

cc: Minnie Grant, Air Coordinator, Energy, Minerals and Air, Ute Indian Tribe
Bruce Pargeets, Director, Energy, Minerals and Air, Ute Indian Tribe (w/o enclosures)
Eric Clark, P.E., Project Engineer, Stantec

EPA Responses to Comments from Eric Clark, P.E., on the Proposed MNSR Permit for the Table Rock Minerals, LLC, Gilsonite Mine, Pursuant to the MNSR Permit Program at 40 CFR Part 49

1. “We have reviewed the proposed permit and have a couple of conditions requiring a modification to the language. They are listed below:

1. Page 5 item D-1(d)

The current verbiage states that a 2014 model year or later is required and certain standards must be met. However, based on the manufacturer specifications and Tier certification documentation that was provided in the application, the engine in question was manufactured in 2000. In addition, the regulation set forth on page 12 of the attached documentation states that it is certified to EPA 40 CFR Part 89.2(2). The emissions data that we provided was for that specific engine (serial #3FZ01955). Based on the 40 CFR 89.112 standards, the size and age of the unit suggest the certification to be Tier 1. However, the manufacturer data demonstrates that emissions are better than that for most pollutants. Therefore, we request that the language be updated to reflect the proper model year and minimum standard requirements.”

EPA Response: We have revised the language in the final permit to reflect the engine model year and minimum standard requirements based on the manufacturer information provided with your August 16, 2017 comments on the proposed MNSR permit. We note the following:

The EPA prepared the proposed permit based on the information submitted with the permit application and all subsequent responses to our requests for clarification. The application received on May 1, 2017 indicated the engine proposed would be sized for approximately 550 kilowatts (kW) and fired with ultra-low sulfur diesel (ULSD) fuel, and would have an 8-inch diameter stack that has an exhaust point approximately 12 feet above ground. The supporting calculation spreadsheet provided did not indicate a manufacturer year of 2000 or a serial number and indicated the emission factors used in the calculations were AP-42 emission factors, not manufacturer specifications. Nor did we receive the “CAT 34112 Genset9EP00418 DAQEM Information” previous to it being attached to your comments on the proposed permit. Furthermore, in an email dated May 11, 2017, the EPA inquired if the engine would be a newer engine that commenced construction on or after June 12, 2006 (recognizing the date of the EPA’s inquiry was a typo and intended to be July 11, 2006). In an email response also dated May 11, 2017, you answered yes to that question. This correspondence is in the administrative record for the permit and was made available for public review and comment. By all reasonable interpretations of the information provided in the application and subsequent submittals, a specific engine for the proposed source had not yet been decided and was likely to be a newer engine. The proposed engine requirements were based on a new diesel-fired engine less than 3,000 hp, and the equivalent requirements for such an engine found in the EPA’s [General Permit for New or Modified Minor Source Compression Ignition Engines in Indian Country](#), which was developed considering the New Source Performance Standards

for Compression Ignition Internal Combustion Engines at 40 CFR part 60, subpart IIII and contains what the EPA has determined to be the Best System of Emission Reduction (BSER) for new diesel-fired engines.

2. “2. Page 6 item E-2(a)

The current verbiage states that the maximum fan cannot exceed 6,600 cfm. However, the application indicated two (2) pneumatic conveying systems each of which are operated by its own suction fan. Each fan is not exceeding 6,600 cfm. The total for the two pneumatic conveying systems is 13,200 cfm. Please modify the language to account for the two fans.

I believe the emission inventory inadvertently only calculated a total flow of 6,600 cfm. An updated file has been included that doubles the flow. As a result, the PM emissions increased somewhat. Please see the attached spreadsheet. If you have any questions, please don't hesitate to contact me. Thank you.”

EPA Response: We have revised the language in the final permit to account for source-wide production of 13,200 cfm. We note that the proposed permit was prepared based on the information in the application provided on May 1, 2017, and all subsequent responses to EPA requests for additional information. As you have stated in your comment, the emission inventory provided in the application inadvertently only calculated a total flow of 6,600 cfm. Since the difference in proposed allowable PM emissions resulting from this doubling of the production rate is minimal (an increase in source-wide allowable emissions from 1.86 tpy to 2.82 tpy), the EPA's original assessment of the minimal impact of PM emissions to local air quality and protection of the NAAQS in the Technical Support Document for the proposed permit has not changed. Therefore, we determined the relaxation in the production rate limit does not require us to make the permit available for another public comment period.

United States Environmental Protection Agency
Region 8 Air Program
1595 Wynkoop Street
Denver, CO 80202



**Air Pollution Control
Minor Source Permit to Construct**

40 CFR 49.151

#TMNSR-UO-007057-2017.001

Permit to construct to establish legally and practically enforceable limitations and requirements for emissions sources at a new facility

Permittee:

Table Rock Minerals, LLC

Permitted Facility:

Gilsonite Mine
Uintah and Ouray Indian Reservation
Uintah County, Utah

Summary

On May 1, 2017, the EPA received an application from Table Rock Minerals, LLC (Table Rock) requesting a permit for a true minor new source of air pollutant emissions in accordance with the requirements of the Tribal Minor New Source Review (MNSR) Permit Program at 40 CFR part 49. Table Rock submitted additional information to complete the application on May 5, 2017. The EPA held a public comment period on the proposed permit from August 8, 2016 to September 7, 2017. The EPA made revisions to the permit based on comments received.

Through this permit action, the EPA is approving construction of a new gilsonite mining operation on Indian country lands within the federally recognized exterior boundaries of the Uintah and Ouray Indian Reservation, in Uintah County, Utah. The facility is estimated to be a true minor source of criteria pollutants with respect to the MNSR Permit Program.

This proposed permit contains production limits, operating hours limits and emission control efficiency requirements, and associated monitoring, recordkeeping and reporting requirements for the mine and/or certain pollutant emission-generating units or activities approved for construction and installation.

The EPA determined that this approval will not contribute to violations of the National Ambient Air Quality Standards (NAAQS), or have potentially adverse effects on ambient air.

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I. Conditional Permit to Construct

A. General Information

Facility: Table Rock Minerals, LLC, Gilsonite Mine
Permit number: TMNSR-UO-007057-2017.001
NAICS Code and Description: 212399 – All Other Nonmetallic Mineral Mining

Site Location:
Table Rock Minerals, LLC Gilsonite Mine
Sections 29 (middle) and 33 (NE ¼)¹,
Township 10S and Range 21E
Latitude 39.916875N, Longitude -109.56732W
Uintah and Ouray Indian Reservation
Uintah County, Utah

Corporate Office Location:
Table Rock Minerals, LLC
P.O Box 1530
Vernal, Utah 84078

The equipment listed in this permit may only be operated by Table Rock Minerals, LLC (Table Rock) at the location described above.

B. Applicability

1. This Conditional Permit to Construct is being issued under authority of the MNSR Permit Program.
2. Any conditions for this facility or any specific pollutant emission-generating units or activities at this facility established pursuant to any permit to construct issued under the authority of the Prevention of Significant Deterioration (PSD) Permit Program at 40 CFR part 52 or the MNSR Permit Program shall continue to apply.
3. By issuing this permit, the EPA does not assume any risk of loss which may occur as a result of the operation of the permitted facility by the Permittee, Owner and/or Operator, if the conditions of this permit are not met by the Permittee, Owner and/or Operator.

C. Facility-Wide Requirements

1. The Permittee shall maintain and operate each approved emission unit or activity, including any associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions of MNSR regulated pollutants and considering the manufacturer's recommended operating procedures at all times, including periods of start-up, shutdown, maintenance and malfunction. The EPA will determine whether the Permittee is using acceptable operating and maintenance procedures based on information available, which may include, but is not limited to, monitoring results, review of operating and maintenance procedures and inspection of the facility.
2. Only the emission units and activities that are operated, maintained and controlled as specified in this permit are approved for installation under this permit.

¹The mine encompasses two leased areas that are not contiguous. The mining operation and supporting surface emitting equipment and activities will begin in the first area and then move to the second area once the gilsonite ore is depleted at the first area.

3. Operational and production limitations shall apply at all times, unless otherwise specified in this permit.

D. Diesel-Fired Electric Generator Engine Requirements

1. Construction and Operational Requirements

The Permittee shall install, operate and maintain no more than one (1) compression ignition engine used to drive an electric power generator, meeting the following specifications:

- (a) Fired only with diesel fuel containing no more than 0.0015% sulfur by weight, also known as ultra-low sulfur diesel (ULSD);
- (b) Sized for a maximum of 550 kilowatts (kW);
- (c) Limited to a maximum site rating of 824 horsepower (hp); and
- (d) Certified to the applicable Tier standards in 40 CFR 89.112(a) 4, for all pollutants, for the same model year and maximum engine power.

2. Operational Limits and Maintenance Requirements

- (a) The engine shall be operated for no more than 2,080 hours in any consecutive 12-month period, as measured using a non-resettable hour meter.
- (b) The Permittee shall follow the engine manufacturer's recommended maintenance schedule and procedures, or equivalent procedures developed by the Permittee or vendor, to ensure optimum performance of the engine.
- (c) The Permittee may rebuild an existing permitted engine or replace an existing permitted engine with an engine of the same hp rating, and configured to operate in the same manner as the engine being rebuilt or replaced. Any operational requirements that apply to the engine that is rebuilt or replaced shall also apply to the rebuilt or replaced engine.
- (d) Operational limits and maintenance requirements apply at all times.

3. Monitoring Requirements

- (a) The Permittee shall read and record the engine operating hours from the non-resettable hour meter at least once per calendar week. At the end of each month, beginning with the first calendar month that this permit is effective, the total operating hours for that month shall be calculated and recorded.
- (b) Prior to 12 full months of total operating hours calculation, add the total operating hours for that month to the calculated total operating hours for all previous calendar months and record the total. Thereafter, the Permittee shall, at the end of each calendar month, add the total operating hours for that month to the calculated total operating hours for the preceding 11 months and record a new 12-month total.
- (c) For each shipment of fuel used to power the engine, the Permittee shall obtain records of the fuel supplier certification showing the sulfur content of the fuel.

4. Recordkeeping Requirements

The Permittee shall keep the following records for the engine:

- (a) All engine maintenance conducted;

- (b) All engine rebuilds and engine replacements;
- (c) The total hours of operation for the engine for each calendar month and consecutive 12-month period; and
- (d) All fuel supplier certifications demonstrating that the engine fuel is ULSD.

E. Gilsonite Handling Requirements

1. Construction and Operational Requirements

The Permittee shall install, operate and maintain a pneumatic gilsonite conveying system with no more than two (2) enclosed pneumatic conveyors and two (2) enclosed storage silos, meeting the following specifications:

- (a) Each pneumatic conveyor shall be equipped with:
 - (i) A suction fan to move gilsonite from the underground mine through piping by supplying negative pressure; and
 - (ii) A fabric filter pulse jet dust collector to control particulate matter from the conveyed gilsonite before being deposited into the storage silo.
- (b) Each storage silo shall be equipped with:
 - (i) A rotary lock through which all conveyed gilsonite is deposited into the silo; and
 - (ii) Enclosed load chutes to transfer gilsonite to enclosed haul trucks for transportation off-site.

2. Production, Operational and Control Requirements

- (a) Source-wide production of gilsonite shall not exceed 13,200 cubic feet per minute.
- (b) Each pneumatic conveying system shall move gilsonite from the underground mine through enclosed conveyors that vent particulate matter emissions through a fabric filter pulse jet dust collector before the gilsonite is deposited into an enclosed storage silo through a rotary lock.
- (c) The fabric filter pulse jet dust collector on each pneumatic conveyor shall be designed and operated to achieve a particulate matter control efficiency of 0.02 grains per standard cubic feet (g/scf).
- (d) All conveyed and stored gilsonite shall be loaded from the storage silos through enclosed chutes to enclosed haul trucks for transportation off-site.
- (e) The Permittee shall comply with the Fugitive Dust Control Plan in Appendix B of this permit.

3. Monitoring Requirements

- (a) *Conveyor and Silo Inspections:* At least once per calendar month in which the permitted source operates, the Permittee shall visually inspect each conveyor (including the suction fan) and silo (including the enclosed truck loading chute) to ensure proper condition and functioning to support a closed system. The Permittee shall take appropriate corrective action to restore each device to normal operation. If any of the components are not in good working condition, they shall be repaired within 30 days of identification of the deficient condition.

- (b) *Fabric Filter Pulse Jet Dust Collector Inspections*: At least once per calendar month in which the permitted source operates, the Permittee shall physically inspect the interior and exterior of the fabric filters for evidence of leaking, damaged and/or missing filters, and take appropriate corrective actions to restore filters to proper operation before resuming normal operations. If any of the components are not in good working condition, they shall be repaired within 30 days of identification of the deficient condition.
- (c) *Fugitive Emissions Survey*: At least once per calendar week in which the facility operates, the Permittee shall visually survey the facility for fugitive emissions. If fugitive emissions are detected crossing the property line, the Permittee shall take corrective actions according to the Fugitive Dust Control Plan in Appendix B of this permit.

4. Recordkeeping Requirements

The Permittee shall keep the following records for gilsonite handling operations:

- (a) All maintenance conducted on the gilsonite conveyance system;
- (b) Each conveyor and silo inspection, including corrective actions taken;
- (c) Each fabric filter pulse jet dust collector inspection, including corrective actions taken; and
- (d) Each fugitive emissions survey, including corrective actions taken.

F. General Recordkeeping Requirements

- 1. The Permittee shall maintain the permit application and all documentation supporting that application, including manufacturer or vendor specifications, maintenance schedules, and maintenance procedures, for the duration of time that the affected emissions units are covered under this permit.
- 2. The Permittee shall retain all records required by this permit for a period of at least 5 years from the date the record was created.
- 3. Records shall be kept at the facility or the location that has day-to-day operational control over the facility.

G. Notification and Reporting Requirements

1. Notification of construction or modification and operations

The Permittee shall submit to the EPA a written notice (may be electronic) within 30 days from when the Permittee begins actual construction, and when the Permittee begins operations or resumes operations.

2. Annual Reports

- (a) The Permittee shall submit to the EPA an annual report no later than April 1st of each calendar year. The annual report shall cover the period from January 1 to December 31 of the previous calendar year. All reports shall be certified to truth and accuracy by the person primarily responsible for Clean Air Act (CAA) compliance for the Permittee.
- (b) The report shall include:

- (i) An evaluation of the permitted source's compliance status with the requirements in this permit;
- (ii) Summaries of the required monitoring and recordkeeping in this permit; and
- (iii) Summaries of deviation reports submitted pursuant to this permit.

3. Notification of Change in Ownership or Operator

If the permitted source changes ownership or operator, then the Permittee shall submit to the EPA a written notice (may be electronic) within 90 days before or after the change in ownership or operator is effective. In the report, the Permittee shall provide the reviewing authority a written agreement containing a specific date for the transfer of ownership or operator, and an effective date on which the new owner or operator assumes partial and/or full coverage and liability under this permit. The submittal shall identify the previous owner or operator, and update the name, street address, mailing address, contact information and any other information about the permitted source if it would change as a result of the change of ownership or operator. The Permittee shall ensure that the permitted source remains in compliance with this permit during any such transfer of ownership.

4. Notification of closure

The Permittee shall submit to the EPA a report of any permanent or indefinite closure in writing within 90 days after the cessation of all operations at the permitted source. The notification shall identify the owner and the operating location of the permitted source.

[Note: to help meet notification requirements, the EPA has developed forms "OWN" (for notifications of change in ownership) and "CLOSURE" (for notifications of facility closure). The forms may be found on the EPA's website at: <https://www.epa.gov/caa-permitting/tribal-nsr-permits-region-8>.]

5. Any documents required to be submitted under this permit, shall be submitted to:

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

Documents may be submitted electronically to R8AirReportEnforcement@epa.gov.

6. Deviation Reports

The Permittee shall promptly submit to the EPA a written report of any deviations of permit requirements, including deviations attributable to start-ups, shutdowns and malfunctions.

- (a) The deviation report shall include: the identity of the affected emissions unit or activity where the deviation occurred; the nature, duration and probable cause of the deviation; and any corrective actions or preventative measures taken to minimize emissions from the deviation and to prevent future deviations.

- (b) A “prompt” deviation report is one that is post marked or submitted via electronic mail to R8AirReportEnforcement@epa.gov as follows:
- (i) Within 72 hours of discovery for deviations from any hours of operation, throughput or other operational limit in this permit; and
 - (ii) By April 1st for the discovery of a deviation of recordkeeping or other permit conditions during the preceding calendar year that do not affect the Permittee’s ability to meet the limitations in this permit.

7. The Permittee shall submit any record or report required by this permit upon EPA request.

II. General Provisions

A. Conditional Approval

Pursuant to the authority of 40 CFR 49.151, the EPA hereby conditionally grants this permit to construct. This authorization is expressly conditioned as follows:

1. *Document Retention and Availability:* This permit and any required attachments shall be retained and made available for inspection upon request at the location set forth herein.
2. *Permit Application:* The Permittee shall abide by all representations, statements of intent and agreements contained in the application submitted by the Permittee. The EPA shall be notified 10 days in advance of any significant deviation from this permit application as well as any plans, specifications or supporting data furnished.
3. *Permit Deviations:* The issuance of this permit may be suspended or revoked if the EPA determines that a significant deviation from the permit application, specifications, and supporting data furnished has been or is to be made. If the proposed source is constructed, operated, or modified not in accordance with the terms of this permit, the Permittee will be subject to appropriate enforcement action.
4. *Compliance with Permit:* The Permittee shall comply with all conditions of this permit, including emission limitations that apply to the affected emissions units at the permitted facility/source. Noncompliance with any permit term or condition is a violation of this permit and may constitute a violation of the CAA and is grounds for enforcement action and for a permit termination or revocation.
5. *Fugitive Emissions:* The Permittee shall take all reasonable precautions to prevent and/or minimize fugitive emissions during the construction period.
6. *National Ambient Air Quality Standard and PSD Increment:* The permitted source shall not cause or contribute to a National Ambient Air Quality Standard violation or a PSD increment violation.
7. *Compliance with Federal and Tribal Rules, Regulations, and Orders:* Issuance of this permit does not relieve the Permittee of the responsibility to comply fully with all other applicable federal and tribal rules, regulations, and orders now or hereafter in effect.

8. *Enforcement:* It is not a defense, for the Permittee, in an enforcement action, to claim that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
9. *Modifications of Existing Emissions Units/Limits:* For proposed modifications, as defined at 40 CFR 49.152(d), that would increase an emissions unit's allowable emissions of pollutants above its existing permitted annual allowable emissions limit, the Permittee shall first obtain a permit modification pursuant to the MNSR regulations approving the increase. For a proposed modification that is not otherwise subject to review under the PSD or MNSR regulations, such proposed increase in the annual allowable emissions limit shall be approved through an administrative permit revision as provided at 40 CFR 49.159(f).
10. *Relaxation of Legally and Practically Enforceable Limits:* At such time that a new or modified source within this permitted facility/source or modification of this permitted facility/source becomes a major stationary source or major modification solely by virtue of a relaxation in any legally and practically enforceable limitation which was established after August 7, 1980, on the capacity of the permitted facility/source to otherwise emit a pollutant, such as a restriction on hours of operation, then the requirements of the PSD regulations shall apply to the source or modification as though construction had not yet commenced on the source or modification.
11. *Revise, Reopen, Revoke and Reissue, or Terminate for Cause:* This permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee, for a permit revision, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. The EPA may reopen this permit for a cause on its own initiative, e.g., if this permit contains a material mistake or the Permittee fails to assure compliance with the applicable requirements.
12. *Severability Clause:* The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.
13. *Property Rights:* This permit does not convey any property rights of any sort or any exclusive privilege.
14. *Information Requests:* The Permittee shall furnish to the EPA, within a reasonable time, any information that the EPA may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating this permit or to determine compliance with this permit. For any such information claimed to be confidential, the Permittee shall also submit a claim of confidentiality in accordance with 40 CFR part 2, subpart B.
15. *Inspection and Entry:* The EPA or its authorized representatives may inspect this permitted facility/source during normal business hours for the purpose of ascertaining compliance with all conditions of this permit. Upon presentation of proper credentials, the Permittee shall allow the EPA or its authorized representative to:
 - (a) Enter upon the premises where this permitted facility/source is located or emissions-related activity is conducted, or where records are required to be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of this permit;

- (c) Inspect, during normal business hours or while this permitted facility/source is in operation, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements; and
- (e) Record any inspection by use of written, electronic, magnetic and photographic media.

16. *Permit Effective Date:* This permit is effective immediately upon issuance unless a later effective date is specified in the permit, or unless comments resulted in a change in the proposed permit, in which case this permit is effective 30 days after issuance. If within 30 days after the service of notice of the final permit issuance, a person petitions the Environmental Appeals Board to

review any condition(s) of the final permit in accordance with 40 CFR 49.159(d), the specific terms and conditions of the permit that are the subject of the request for review must be stayed.

17. *Permit Transfers:* Permit transfers shall be made in accordance with 40 CFR 49.159(f). The Air Program Director shall be notified in writing at the address shown below if the company is sold or changes its name.


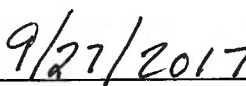
U.S. Environmental Protection Agency, Region 8
 Office of Partnerships and Regulatory Assistance
 Tribal Air Permitting Program, 8P-AR
 1595 Wynkoop Street
 Denver, Colorado 80202

18. *Invalidation of Permit:* Unless this permitted source is an existing source, this permit becomes invalid if construction is not commenced within 18 months after the effective date of this permit, construction is discontinued for 18 months or more, or construction is not completed within a reasonable time. The EPA may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between the construction of the approved phases of a phased construction project. The Permittee shall commence construction of each such phase within 18 months of the projected and approved commencement date.

19. *Notification of Start-Up:* The Permittee shall submit a notification of the anticipated date of initial start-up of this permitted source to the EPA within 60 days of such date, unless this permitted source of emissions is an existing source.

B. Authorization

Authorized by the United States Environmental Protection Agency, Region 8

 _____  _____

Monica S. Morales
 Director, Air Program
 Office of Partnerships and Regulatory Assistance

Date

Appendix A

Definitions

Note: All terms not defined herein shall have the meaning given them in the CAA, in 40 CFR parts 60, 61 and 63, in the PSD regulations at 40 CFR part 52 or in the MNSR regulations at 40 CFR part 49. The following terms shall have the specific meanings given them. Definitions in this section were taken or derived from the definitions for the equivalent word or phrase in 40 CFR parts 60 and 63, the MNSR regulations at 40 CFR part 49 or from commonly used English language dictionaries.

For the purposes of this permit to construct:

Cause means with respect to the EPA's ability to terminate a permitted source's coverage under a permit that:

1. The Permittee is not in compliance with the provisions of this permit;
2. The EPA determines that the emissions resulting from the construction or modification of the permitted source significantly contribute to NAAQS violations, which are not adequately addressed by the requirements in this permit;
3. The EPA has reasonable cause to believe that the Permittee obtained approval of the request for a permit by fraud or misrepresentation; or
4. The Permittee failed to disclose a material fact required by the request for a permit or the regulations applicable to the permitted source of which the applicant had or should have had the knowledge at the time the Permittee submitted the request for a permit.

Begin construction means in general, initiation of physical on-site construction activities on emissions units which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change. The following preparatory activities are excluded: engineering and design planning, geotechnical investigation (surface and subsurface explorations), clearing, grading, surveying, ordering of equipment and materials, storing of equipment or setting up temporary trailers to house construction management or staff and contractor personnel.

Maintenance means the routine recurring work required to keep an emissions unit in such condition that it may be continuously utilized, at its original or designed capacity and efficiency, for its intended purpose.

Malfunction means any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, process equipment or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

Modification means any physical or operational change at a source that would cause an increase in the allowable emissions of a minor source for any regulated NSR pollutant, or that would cause the emission of any regulated NSR pollutant not previously emitted at levels that exceed the minor source thresholds in Table 1 of 40 CFR 49.153. The following exemptions apply:

1. A physical or operational change does not include routine maintenance, repair or replacement.
2. An increase in the hours of operation or in the production rate is not considered an operational change unless such change is prohibited under any permit condition that is enforceable as a practical matter.
3. A change in ownership at a stationary source.
4. The emissions units and activities listed in §49.153(c).

Permittee means the owner or operator of the permitted source.

Permitted source means the facility (gilsonite mining operation) for which the EPA has issued this permit to construct.

Start-up means the setting in operation of an affected facility for any purpose.

Shutdown means the cessation of operation of an affected facility for any purpose.

Appendix B

Fugitive Dust Control Plan

1. Unpaved On-lease Access Road

- (a) The dust on the unpaved on-lease access road shall be controlled by applications of water, calcium chloride or other acceptable fugitive dust control compound approved by the reviewing authority. Applications of dust suppressants shall be done as often as necessary to meet all applicable conditions of this permit.
- (b) The road shall be swept between applications as necessary to meet all applicable conditions of this permit.
- (c) Any material spillage on roads shall be cleaned up immediately.

2. Truck Traffic

- (a) Vehicles shall be loaded to prevent their contents from dropping, leaking, blowing or otherwise escaping. This shall be accomplished by loading so that no part of the load shall come in contact within six (6) inches of the top of any side board, side panel or tail gate; otherwise, the truck shall be tarped.
- (b) A speed limit sign of 10 miles-per-hour or lower shall be posted on site so that it is visible to truck traffic.

3. Corrective Actions

If corrective action needs to be taken, the Permittee shall consider and use one or more of the following options: adjust the watering and/or sweeping frequencies, reduce drop distances, increase cover and/or take other actions to reduce fugitive dust emissions.

4. Revegetation

disturbed areas no longer in use shall be revegetated within 1 year of discontinuing use.