

## **Table 1 to Paragraph (c)-State Regulations**

## **Table 1 to Paragraph (c)—Idaho Regulations**

### **Rules for the Control of Air Pollution in Idaho (IDAPA 58.01.01)**

*EPA Note: State effective dates are in parentheses ( ) after each provision.*

#### **001. TITLE AND SCOPE.**

These rules shall be cited as IDAPA 58.01.01, Rules of the Department of Environmental Quality, IDAPA 58.01.01, “Rules for the Control of Air Pollution in Idaho”. These rules provide for the control of air pollution in Idaho. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

#### **004. CATCHLINES.**

Catchlines within this chapter are not to be utilized in the interpretation of the rules. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

#### **005. DEFINITIONS.**

The purpose of Sections 005 through 008 is to assemble definitions used throughout this chapter. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

#### **006. GENERAL DEFINITIONS.**

**01. Accountable.** Any SIP emission trading program must account for the aggregate effect of the emissions trades in the demonstration of reasonable further progress, attainment, or maintenance. (4-5-00)

**02. Act.** The Environmental Protection and Health Act of 1972 as amended (Sections 39-101 through 39-130, Idaho Code). (5-1-94)

**03. Actual Emissions.** The actual rate of emissions of a pollutant from an emissions unit as determined in accordance with the following: (4-5-00)

**a.** In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The Department shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit’s actual operating hours, production rates, and types of materials processed, stored,

or combusted during the selected time period. (4-5-00)

**b.** The Department may presume that the source-specific allowable emissions for the unit are equivalent to actual emissions of the unit. (4-5-00)

**c.** For any emissions unit (other than an electric utility steam generating unit as specified below) which has not yet begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date. (4-5-00)

**d.** For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit) actual emissions of the unit following the physical or operational change shall equal the representative actual annual emissions of the unit, provided the source owner or operator maintains and submits to the Department, on an annual basis for a period of five (5) years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed ten (10) years may be required by the Department if it determines such a period to be more representative of normal source post-change operations. (4-5-00)

**04. Adverse Impact on Visibility.** Visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I Area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with: (3-30-07)

**a.** Times of visitor use of the Federal Class I Area; and (3-30-07)

**b.** The frequency and timing of natural conditions that reduce visibility. (3-30-07)

**c.** This term does not include effects on integral vistas when applied to 40 CFR 51.307. (3-30-07)

**05. Air Pollutant/Air Contaminant.** Any substance, including but not limited to, dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon or particulate matter or any combination thereof. (4-5-00)

**06. Air Pollution.** The presence in the outdoor atmosphere of any air pollutant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property. (4-5-00)

**07. Air Quality.** The specific measurement in the ambient air of a particular air pollutant at any given time. (5-1-94)

**08. Air Quality Criterion.** The information used as guidelines for decisions when establishing

air quality goals and air quality standards. (5-1-94)

**09. Allowable Emissions.** The allowable emissions rate of a stationary source or facility calculated using the maximum rated capacity of the source or facility (unless the source or facility is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following: (4-5-00)

- a. The applicable standards set forth in 40 CFR part 60 and 61; (4-5-00)
- b. Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or (4-5-00)
- c. The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date. (4-5-00)

**10. Ambient Air.** That portion of the atmosphere, external to buildings, to which the general public has access. (5-1-94)

**11. Ambient Air Quality Violation.** Any ambient concentration that causes or contributes to an exceedance of a national ambient air quality standard as determined by 40 CFR Part 50. (4-11-06)

**12. Atmospheric Stagnation Advisory.** An air pollution alert declared by the Department when air pollutant impacts have been observed and/or meteorological conditions are conducive to additional air pollutant buildup. (4-11-06)

**13. Attainment Area.** Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as having ambient concentrations equal to or less than national primary or secondary ambient air quality standards for a particular air pollutant or air pollutants. (4-11-06)

**14. BART-Eligible Source.** Any of the following stationary sources of air pollutants, including any reconstructed source, which was not in operation prior to August 7, 1962, and was in existence on August 7, 1977, and has the potential to emit two hundred fifty (250) tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. (3-30-07)

- a. Fossil-fuel fired steam electric plants of more than two hundred fifty (250) million BTU's per hour heat input; (3-30-07)
- b. Coal cleaning plants (thermal dryers); (3-30-07)
- c. Kraft pulp mills; (3-30-07)
- d. Portland cement plants; (3-30-07)



- e.** Primary zinc smelters; (3-30-07)
- f.** Iron and steel mill plants; (3-30-07)
- g.** Primary aluminum ore reduction plants; (3-30-07)
- h.** Primary copper smelters; (3-30-07)
- i.** Municipal incinerators capable of charging more than two hundred fifty (250) tons refuse per day; (3-30-07)
- j.** Hydrofluoric, sulfuric, and nitric acid plants; (3-30-07)
- k.** Petroleum refineries; (3-30-07)
- l.** Lime plants; (3-30-07)
- m.** Phosphate rock processing plants; (3-30-07)
- n.** Coke oven batteries; (3-30-07)
- o.** Sulfur recovery plants; (3-30-07)
- p.** Carbon black plants (furnace process); (3-30-07)
- q.** Primary lead smelters; (3-30-07)
- r.** Fuel conversion plants; (3-30-07)
- s.** Sintering plants; (3-30-07)
- t.** Secondary metal production facilities; (3-30-07)
- u.** Chemical process plants; (3-30-07)
- v.** Fossil-fuel boilers of more than two hundred fifty (250) million BTU's per hour heat input; (3-30-07)
- w.** Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels; (3-30-07)
- x.** Taconite ore processing facilities; (3-30-07)

- y. Glass fiber processing plants; and (3-30-07)
- z. Charcoal production facilities. (3-30-07)

**15. Baseline (Area, Concentration, Date).** See Section 579. (5-1-94)

**16. Best Available Retrofit Technology (BART).** Means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. (3-30-07)

**17. Board.** Idaho Board of Environmental Quality. (5-1-94)

**18. Breakdown.** An unplanned failure of any equipment or emissions unit which may cause excess emissions. (4-5-00)

**19. BTU.** British thermal unit. (5-1-94)

**20. Clean Air Act.** The federal Clean Air Act, 42 U.S.C. Sections 7401 through 7671q. (5-1-94)

**21. Collection Efficiency.** The overall performance of the air cleaning device in terms of ratio of materials collected to total input to the collector unless specific size fractions of the contaminant are stated or required. (5-1-94)

**22. Commence Construction Or Modification.** In general, this means initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change. (4-5-00)

**23. Complete.** A determination made by the Department that all information needed to process a permit application has been submitted for review. (5-1-94)

**24. Construction.** Fabrication, erection, installation, or modification of a stationary source or facility. (5-1-94)

**25. Control Equipment.** Any method, process or equipment which removes, reduces or renders less noxious, air pollutants discharged into the atmosphere. (5-1-94)

**26. Controlled Emission.** An emission which has been treated by control equipment to remove all or part of an air pollutant before release to the atmosphere. (5-1-94)

**27. Criteria Air Pollutant.** Any of the following: PM<sub>10</sub>; PM<sub>2.5</sub>; sulfur oxides; ozone, nitrogen dioxide; carbon monoxide; lead. (4-11-15)

**28. Deciview.** A measurement of visibility impairment. A deciview is a haze index derived from calculated light extinction, such that uniform changes in haziness correspond to uniform incremental changes in perception across the entire range of conditions, from pristine to highly impaired. The deciview haze index is calculated based on the following equation (for the purposes of calculating deciview, the atmospheric light extinction coefficient must be calculated from aerosol measurements): Deciview Haze Index =  $10 \ln_e (b_{\text{ext}} / 10 \text{Mm}^{-1})$  where  $b_{\text{ext}}$  = the atmospheric light extinction coefficient, expressed in inverse megameters ( $\text{Mm}^{-1}$ ). (3-30-07)

**29. Department.** The Department of Environmental Quality. (5-1-94)

**30. Designated Facility.** Any of the following facilities: (5-1-94)

- a. Fossil-fuel fired steam electric plants of more than two hundred fifty (250) million BTU's per hour heat input; (5-1-94)
- b. Coal cleaning plants (thermal dryers); (5-1-94)
- c. Kraft pulp mills; (5-1-94)
- d. Portland cement plants; (5-1-94)
- e. Primary zinc smelters; (5-1-94)
- f. Iron and steel mill plants; (5-1-94)
- g. Primary aluminum ore reduction plants; (5-1-94)
- h. Primary copper smelters; (5-1-94)
- i. Municipal incinerators capable of charging more than two hundred and fifty (250) tons of refuse per day; (5-1-94)
- j. Hydrofluoric, sulfuric, and nitric acid plants; (5-1-94)
- k. Petroleum refineries; (5-1-94)
- l. Lime plants; (5-1-94)

- m.** Phosphate rock processing plants; (5-1-94)
- n.** Coke oven batteries; (5-1-94)
- o.** Sulfur recovery plants; (5-1-94)
- p.** Carbon black plants (furnace process); (5-1-94)
- q.** Primary lead smelters; (5-1-94)
- r.** Fuel conversion plants; (5-1-94)
- s.** Sintering plants; (5-1-94)
- t.** Secondary metal production facilities; (5-1-94)
- u.** Chemical process plants; (5-1-94)
- v.** Fossil-fuel boilers (or combination thereof) of more than two hundred and fifty (250) million BTU's per hour heat input; (5-1-94)
- w.** Petroleum storage and transfer facilities with a capacity exceeding three hundred thousand (300,000) barrels; (5-1-94)
- x.** Taconite ore processing facilities; (5-1-94)
- y.** Glass fiber processing plants; and (5-1-94)
- z.** Charcoal production facilities. (5-1-94)

**31. Director.** The Director of the Department of Environmental Quality or his designee. (5-1-94)

**32. Effective Dose Equivalent.** The sum of the products of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quality of radiation and its distribution in the body of reference man. The unit of the effective dose equivalent is the rem. It is generally calculated as an annual dose. (5-1-94)

**33. Emission.** Any controlled or uncontrolled release or discharge into the outdoor atmosphere of any air pollutants or combination thereof. Emission also includes any release or discharge of any air pollutant from a stack, vent, or other means into the outdoor atmosphere that originates from an emission unit. (5-1-94)

**34. Emission Standard.** A permit or regulatory requirement established by the Department or EPA which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction. (4-5-00)

**35. Emissions Unit.** An identifiable piece of process equipment or other part of a facility which emits or may emit any air pollutant. This definition does not alter or affect the term “unit” for the purposes of 42 U.S.C. Sections 7651 through 7651o. (5-1-94)

**36. EPA.** The United States Environmental Protection Agency and its Administrator or designee. (5-1-94)

**37. Environmental Remediation Source.** A stationary source that functions to remediate or recover any release, spill, leak, discharge or disposal of any petroleum product or petroleum substance, any hazardous waste or hazardous substance from any soil, ground water or surface water, and shall have an operational life no greater than five (5) years from the inception of any operations to the cessation of actual operations. Nothing in this definition shall be construed so as to actually limit remediation projects to five (5) years or less of total operation. (5-1-94)

**38. Excess Emissions.** Emissions that exceed an applicable emissions standard established for any facility, source or emissions unit by statute, regulation, rule, permit, or order. (4-11-06)

**39. Existing Stationary Source or Facility.** Any stationary source or facility that exists, is installed, or is under construction on the original effective date of any applicable provision of this chapter. (5-1-94)

**40. Facility.** All of the pollutant-emitting activities which belong to the same industrial grouping, are located on one (1) or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e. which have the same two-digit code) as described in the Standard Industrial Classification Manual. The fugitive emissions shall not be considered in determining whether a permit is required unless required by federal law. (4-11-06)

**41. Federal Class I Area.** Any federal land that is classified or reclassified “Class I.” (3-30-07)

**42. Federal Land Manager.** The Secretary of the department with authority over the Federal Class I Area (or the Secretary's designee). (3-30-07)

**43. Federally Enforceable.** All limitations and conditions which are enforceable by EPA and the Department under the Clean Air Act, including those requirements developed pursuant to 40 CFR Parts 60 and 61 requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved

pursuant to 40 CFR Parts 51, 52, 60, or 63. (3-30-07)

**44. Fire Hazard.** The presence or accumulation of combustible material of such nature and in sufficient quantity that its continued existence constitutes an imminent and substantial danger to life, property, public welfare or adjacent lands. (5-1-94)

**45. Fuel-Burning Equipment.** Any furnace, boiler, apparatus, stack and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. (5-1-94)

**46. Fugitive Dust.** Fugitive emissions composed of particulate matter. (5-1-94)

**47. Fugitive Emissions.** Those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. (5-1-94)

**48. Garbage.** Any waste consisting of putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food including, but not limited to, waste materials from households, markets, storage facilities, handling and sale of produce and other food products. (5-1-94)

~~**49. Gasoline.** Any mixture of volatile hydrocarbons suitable as a fuel for the propulsion of motor vehicles or motor boats. Gasoline also means aircraft engine fuels when used for the operation or propulsion of motor vehicles or motor boats and includes gasohol, but does not include special fuels. (3-29-10)~~

~~**50. Gasoline Cargo Tank.** Any tank or trailer used for the transport of gasoline from sources of supply to underground gasoline storage tanks. (3-29-10)~~

~~**51. Gasoline Dispensing Facility (GDF).** Any facility with underground gasoline storage tanks used for dispensing gasoline. (3-29-10)~~

**52. Grain Elevator.** Any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded. (5-1-94)

**53. Grain Storage Elevator.** Any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean extraction plant which has a permanent grain storage capacity of thirty five thousand two hundred (35,200) cubic meters (ca. 1 million bushels). (5-1-94)

**54. Grain Terminal Elevator.** Any grain elevator which has a permanent storage capacity of more than eighty-eight thousand one hundred (88,100) cubic meters (ca. 2.5 million bushels), except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots. (5-1-94)

**55. Hazardous Air Pollutant (HAP).** Any air pollutant listed pursuant to Section 112(b) of the Clean Air Act. Hazardous Air Pollutants are regulated air pollutants. (4-11-06)

**56. Hazardous Waste.** Any waste or combination of wastes of a solid, liquid, semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological) may: (5-1-94)

**a.** Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible, or incapacitating reversible illnesses; or (5-1-94)

**b.** Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties; provided that such wastes do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are allowed under a national pollution discharge elimination system permit, or source, special nuclear, or by-product material as defined by 42 U.S.C. Sections 2014(e),(z) or (aa). (5-1-94)

**57. Hot-Mix Asphalt Plant.** Those facilities conveying proportioned quantities or batch loading of cold aggregate to a drier, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purpose of paving, construction, industrial, residential or commercial use. (5-1-94)

**58. Incinerator.** Any source consisting of a furnace and all appurtenances thereto designed for the destruction of refuse by burning. "Open Burning" is not considered incineration. For purposes of these rules, the destruction of any combustible liquid or gaseous material by burning in a flare stack shall be considered incineration. (5-1-94)

**59. Indian Governing Body.** The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government. (5-1-94)

**60. Integral Vista.** A view perceived from within the mandatory Class I Federal Area of a specific landmark or panorama located outside the boundary of the mandatory Class I Federal Area. (3-30-07)

**61. Kraft Pulping.** Any pulping process which uses, for a cooking liquor, an alkaline sulfide solution containing sodium hydroxide and sodium sulfide. (5-1-94)

**62. Least Impaired Days.** The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the lowest amount of visibility impairment. (3-30-07)

**63. Lowest Achievable Emission Rate (LAER).** For any source, the more stringent rate of emissions based on the following: (4-5-00)

- a. The most stringent emissions limitation which is contained in any State Implementation Plan for such class or category of facility, unless the owner or operator of the proposed facility demonstrates that such limitations are not achievable; or (4-5-00)
- b. The most stringent emissions limitation which is achieved in practice by such class or category of facilities. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the facility. In no event shall the application of the term permit a proposed new or modified facility to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance. (4-5-00)

**64. Mandatory Class I Federal Area.** Any area identified in 40 CFR 81.400 through 81.437. (3-30-07)

**65. Member of the Public.** For purposes of Subsection 006.103.a.xvi., a person located at any off-site point where there is a residence, school, business or office. (3-30-07)

**66. Mercury.** ~~Total mercury including elemental mercury and mercury compounds. (4-7-11)~~

**67. Mercury Best Available Control Technology (MBACT).** ~~An emission standard for mercury based on the maximum degree of reduction practically achievable as specified by the Department on an individual case-by-case basis taking into account energy, economic and environmental impacts, and other relevant impacts specific to the source. A Department-approved MBACT shall be valid until the source subject to the MBACT is modified. If the proposed modification to the source subject to MBACT occurs within ten (10) years of the MBACT determination, a new MBACT review shall not be triggered as long as the source can meet the existing MBACT requirements. If the proposed modification occurs more than ten (10) years after the MBACT determination, then the proposed modification shall be subject to a new MBACT review. (4-7-11)~~

**68. Modification.** (4-11-06)

- a. Any physical change in, or change in the method of operation of, a stationary source or facility which results in an emission increase as defined in Section 007 or which results in the emission of any regulated air pollutant not previously emitted. (4-11-06)
- b. ~~Any physical change in, or change in the method of operation of, a stationary source or facility which results in an increase in the emissions rate of any state only toxic air pollutant, or emissions of any state only toxic air pollutant not previously emitted. (4-11-06)~~
- c. Fugitive emissions shall not be considered in determining whether a permit is required



for a modification unless required by federal law. (4-11-06)

**d.** For purposes of this definition of modification, routine maintenance, repair and replacement shall not be considered physical changes and the following shall not be considered a change in the method of operation: (3-30-07)

i. An increase in the production rate if such increase does not exceed the operating design capacity of the affected stationary source, and if a more restrictive production rate is not specified in a permit; (5-1-94)

ii. An increase in hours of operation if more restrictive hours of operation are not specified in a permit; and (5-1-94)

iii. Use of an alternative fuel or raw material if the stationary source is specifically designed to accommodate such fuel or raw material before January 6, 1975 and use of such fuel or raw material is not specifically prohibited in a permit. (4-4-13)

**69. Monitoring.** Sampling and analysis, in a continuous or noncontinuous sequence, using techniques which will adequately measure emission levels and/or ambient air concentrations of air pollutants. (5-1-94)

**70. Most Impaired Days.** The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the highest amount of visibility impairment. (3-30-07)

**71. Multiple Chamber Incinerator.** Any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned. (5-1-94)

**72. Natural Conditions.** Includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration. (3-30-07)

**73. New Stationary Source or Facility.** (5-1-94)

**a.** Any stationary source or facility, the construction or modification of which is commenced after the original effective date of any applicable provision of this chapter; or (5-1-94)

**b.** The restart of a nonoperating facility shall be considered a new stationary source or facility if: (5-1-94)

i. The restart involves a modification to the facility; or (5-1-94)

ii. After the facility has been in a nonoperating status for a period of two (2) years, and the Department receives an application for a Permit to Construct in the area affected by the existing nonoperating facility, the Department will, within five (5) working days of receipt of the application notify the nonoperating facility of receipt of the application for a Permit to Construct. Upon receipt of this Departmental notification, the nonoperating facility will comply with the following restart schedule or be considered a new stationary source or facility when it does restart: Within thirty (30) working days after receipt of the Department's notification of the application for a Permit to Construct, the nonoperating facility shall provide the Department with a schedule detailing the restart of the facility. The restart must begin within sixty (60) days of the date the Department receives the restart schedule. (5-1-94)

**74. Nonattainment Area.** Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as not meeting (or contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. (5-1-94)

**75. Noncondensibles.** Gases and vapors from processes that are not condensed at standard temperature and pressure unless otherwise specified. (5-1-94)

**76. Odor.** The sensation resulting from stimulation of the human sense of smell. (5-1-94)

**77. Opacity.** A state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view, expressed as percent. (5-1-94)

**78. Open Burning.** The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct or chimney. (5-1-94)

**79. Operating Permit.** A permit issued by the Director pursuant to Sections 300 through 386 and/or 400 through 461. (4-5-00)

**80. Particulate Matter.** Any material, except water in uncombined form, that exists as a liquid or a solid at standard conditions. (5-1-94)

**81. Particulate Matter Emissions.** All particulate matter emitted to the ambient air as measured by an applicable reference method, or any equivalent or alternative method in accordance with Section 157. (4-5-00)

**82. Permit to Construct.** A permit issued by the Director pursuant to Sections 200 through 228. (7-1-02)

**83. Person.** Any individual, association, corporation, firm, partnership or any federal, state or local governmental entity. (5-1-94)

**84. PM-10.** All particulate matter in the ambient air with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53. (5-1-94)

**85. PM-10 Emissions.** All particulate matter, including condensible particulates, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method in accordance with Section 157. (4-5-00)

**86. PM<sub>2.5</sub>.** All particulate matter in the ambient air with an aerodynamic diameter less than or equal to a nominal two point five (2.5) micrometers measured by a reference method based on Appendix L of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53. (4-11-15)

**87. PM<sub>2.5</sub> Emissions.** All particulate matter, including condensible particulates, with an aerodynamic diameter less than or equal to a nominal two point five (2.5) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method in accordance with Section 157. (4-11-15)

**88. Potential to Emit/Potential Emissions.** The maximum capacity of a facility or stationary source to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is state or federally enforceable. Secondary emissions do not count in determining the potential to emit of a facility or stationary source. (3-30-07)

**89. Portable Equipment.** Equipment which is designed to be dismantled and transported from one (1) job site to another job site. (5-1-94)

**90. PPM (parts per million).** Parts of a gaseous contaminant per million parts of gas by volume. (5-1-94)

**91. Prescribed Fire Management Burning.** The controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives, including: (5-1-94)

**a.** Fire hazard reduction; (5-1-94)

**b.** The control of pests, insects, or diseases; (5-1-94)

- c. The promotion of range forage improvements; (5-1-94)
- d. The perpetuation of natural ecosystems; (5-1-94)
- e. The disposal of woody debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system; (5-1-94)
- f. The preparation of planting and seeding sites for forest regeneration; and (5-1-94)
- g. Other accepted natural resource management purposes. (5-1-94)

**92. Primary Ambient Air Quality Standard.** That ambient air quality which, allowing an adequate margin of safety, is requisite to protect the public health. (5-1-94)

**93. Process or Process Equipment.** Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stack, etc., the use of which may cause any discharge of an air pollutant into the ambient air but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment. (5-1-94)

**94. Process Weight.** The total weight of all materials introduced into any source operation which may cause any emissions of particulate matter. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air. Water which occurs naturally in the feed material shall be considered part of the process weight. (5-1-94)

**95. Process Weight Rate.** The rate established as follows: (5-1-94)

- a. For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof; (4-5-00)
- b. For cyclical or batch source operations, the total process weight for a period that covers a complete cycle of operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply. (4-5-00)

**96. Quantifiable.** The Department must be able to determine the emissions impact of any SIP trading programs requirement(s) or emission limit(s). (4-5-00)

**97. Radionuclide.** A type of atom which spontaneously undergoes radioactive decay. (5-1-94)

**98. Regional Haze.** Visibility impairment that is caused by the emission of air pollutants from numerous sources located over a wide geographic area. Such sources include, but are not limited to, major and minor stationary sources, mobile sources, and area sources. (3-30-07)

**99. Regulated Air Pollutant.**

**a.** For purposes of determining applicability of major source permit to operate requirements, issuing, and modifying permits pursuant to Sections 300 through 397, and in accordance with Title V of the federal Clean Air Act amendments of 1990, 42 U.S.C. Section 7661 et seq., “regulated air pollutant” shall have the same meaning as in Title V of the federal Clean Air Act amendments of 1990, and any applicable federal regulations promulgated pursuant to Title V of the federal Clean Air Act amendments of 1990, 40 CFR Part 70; (4-11-06)

**b.** For purposes of determining applicability of any other operating permit requirements, issuing, and modifying permits pursuant to Sections 400 through 410, the federal definition of “regulated air pollutant” as defined in Subsection 006.99.a. shall also apply; (3-30-07)

**c.** For purposes of determining applicability of permit to construct requirements, issuing, and modifying permits pursuant to Sections 200 through 228, except Section 214, and in accordance with Part D of Subchapter I of the federal Clean Air Act, 42 U.S.C. Section 7501 et seq., “regulated air pollutant” shall mean those air contaminants that are regulated in non-attainment areas pursuant to Part D of Subchapter I of the federal Clean Air Act and applicable federal regulations promulgated pursuant to Part D of Subchapter I of the federal Clean Air Act, 40 CFR 51.165; and (4-11-06)

**d.** For purposes of determining applicability of any other major or minor permit to construct requirements, issuing, and modifying permits pursuant to 200 through 228, except Section 214, “regulated air pollutant” shall mean those air contaminants that are regulated in attainment and unclassifiable areas pursuant to Part C of Subchapter I of the federal Clean Air Act, 40 CFR 52.21, and any applicable federal regulations promulgated pursuant to Part C of Subchapter I of the federal Clean Air Act, 42 U.S.C. Section 7470 et seq. (4-11-06)

**100. Replicable.** Any SIP procedures for applying emission trading shall be structured so that two (2) independent entities would obtain the same result when determining compliance with the emission trading provisions. (4-5-00)

**101. Responsible Official.** One (1) of the following: (5-1-94)

**a.** For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either: (5-1-94)

- i. The facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars); or (4-5-00)
  - ii. The delegation of authority to such representative is approved in advance by the Department. (5-1-94)
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively. (5-1-94)
- c. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of Section 123, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA). (4-5-00)
- d. For Phase II sources: (5-1-94)
  - i. The designated representative in so far as actions, standards, requirements, or prohibitions under 42 U.S.C. Sections 7651 through 7651o or the regulations promulgated thereunder are concerned; and (5-1-94)
  - ii. The designated representative for any other purposes under 40 CFR Part 70. (5-1-94)

**102. Safety Measure.** Any shutdown (and related startup) or bypass of equipment or processes undertaken to prevent imminent injury or death or severe damage to equipment or property which may cause excess emissions. (4-5-00)

**103. Salvage Operation.** Any source consisting of any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards. (5-1-94)

**104. Scheduled Maintenance.** Planned upkeep, repair activities and preventative maintenance on any air pollution control equipment or emissions unit, including process equipment, and including shutdown and startup of such equipment. (3-20-97)

**105. Secondary Ambient Air Quality Standard.** That ambient air quality which is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of air pollutants in the ambient air. (5-1-94)

**106. Secondary Emissions.** Emissions which would occur as a result of the construction, modification, or operation of a stationary source or facility, but do not come from the stationary

source or facility itself. Secondary emissions must be specific, well defined, quantifiable, and affect the same general area as the stationary source, facility, or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the primary stationary source, facility or modification. Secondary emissions do not include any emissions which come directly from a mobile source regulated under 42 U.S.C. Sections 7521 through 7590. (3-30-07)

**107. Shutdown.** The normal and customary time period required to cease operations of air pollution control equipment or an emissions unit beginning with the initiation of procedures to terminate normal operation and continuing until the termination is completed. (5-1-94)

**108. Significant.** In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following: (4-11-06)

a. Pollutant and emissions rate: (4-11-06)

i. Carbon monoxide, one hundred (100) tons per year; (5-1-94)

ii. Nitrogen oxides, forty (40) tons per year; (5-1-94)

iii. Sulfur dioxide, forty (40) tons per year; (5-1-94)

iv. Particulate matter: (4-4-13)

(1) Twenty-five (25) tons per year of particulate matter emissions; (4-4-13)

(2) Fifteen (15) tons per year of PM<sub>10</sub> emissions; or (4-4-13)

(3) Ten (10) tons per year of direct PM<sub>2.5</sub> emissions; or forty (40) tons per year of sulfur dioxide emissions; or forty (40) tons per year of nitrogen oxide emissions; (4-4-13)

v. Ozone, forty (40) tons per year of volatile organic compounds; (4-11-06)

vi. Lead, six-tenths (0.6) of a ton per year; (5-1-94)

vii. Fluorides, three (3) tons per year; (5-1-94)

viii. Sulfuric acid mist, seven (7) tons per year; (5-1-94)

ix. Hydrogen sulfide (H<sub>2</sub>S), ten (10) tons per year; (5-1-94)

- x. Total reduced sulfur (including H<sub>2</sub>S), ten (10) tons per year; (5-1-94)
  - xi. Reduced sulfur compounds (including H<sub>2</sub>S), ten (10) tons per year; (5-1-94)
  - xii. Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans), thirty-five ten-millionths (0.0000035) tons per year; (5-1-94)
  - xiii. Municipal waste combustor metals (measured as particulate matter), fifteen (15) tons per year; (5-1-94)
  - xiv. Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride), forty (40) tons per year; or (4-11-19)
  - xv. Municipal solid waste landfill emissions (measured as nonmethane organic compounds), fifty (50) tons per year. (4-11-19)
- b.** In reference to a net emissions increase or the potential of a source or facility to emit a regulated air pollutant not listed in Subsection 006.103.a. above and not a toxic air pollutant, any emission rate; or (3-30-07)
- c.** For a major facility or major modification which would be constructed within ten (10) kilometers of a Class I area, the emissions rate which would increase the ambient concentration of an emitted regulated air pollutant in the Class I area by one (1) microgram per cubic meter, twenty-four (24) hour average, or more. (4-5-00)

**109. Significant Contribution.** Any increase in ambient concentrations which would exceed the following: (5-1-94)

- a.** Sulfur dioxide: (5-1-94)
  - i. One (1.0) microgram per cubic meter, annual average; (5-1-94)
  - ii. Five (5) micrograms per cubic meter, twenty-four (24) hour average; (5-1-94)
  - iii. Twenty-five (25) micrograms per cubic meter, three (3) hour average; (5-1-94)
- b.** Nitrogen dioxide, one (1.0) microgram per cubic meter, annual average; (5-1-94)
- c.** Carbon monoxide: (5-1-94)
  - i. One-half (0.5) milligrams per cubic meter, eight (8) hour average; (5-1-94)



- ii. Two (2) milligrams per cubic meter, one (1) hour average; (5-1-94)
- d. PM-10: (5-1-94)
  - i. One (1.0) microgram per cubic meter, annual average; (5-1-94)
  - ii. Five (5.0) micrograms per cubic meter, twenty-four (24) hour average. (5-1-94)
- e. PM-2.5: (4-4-13)
  - i. Three-tenths (0.3) microgram per cubic meter, annual average; (4-4-13)
  - ii. One point two (1.2) micrograms per cubic meter, twenty-four (24) hour average. (4-4-13)

**110. Small Fire.** A fire in which the material to be burned is not more than four (4) feet in diameter nor more than three (3) feet high. (5-1-94)

**111. Smoke.** Small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible material. (5-1-94)

**112. Smoke Management Plan.** A document issued by the Director to implement Sections 606 through 616, Categories of Allowable Burning. (5-1-94)

**113. Smoke Management Program.** A program whereby meteorological information, fuel conditions, fire behavior, smoke movement and atmospheric dispersal conditions are used as a basis for scheduling the location, amount and timing of open burning operations so as to minimize the impact of such burning on identified smoke sensitive areas. (5-1-94)

**114. Source.** A stationary source. (5-1-94)

**115. Source Operation.** The last operation preceding the emission of air pollutants, when this operation: (5-1-94)

- a. Results in the separation of the air pollutants from the process materials or in the conversion of the process materials into air pollutants, as in the case of fuel combustion; and (5-1-94)
- b. Is not an air cleaning device. (5-1-94)

**116. Special Fuels.** ~~All fuel suitable as fuel for diesel engines; a compressed or liquefied gas obtained as a by-product in petroleum refining or natural gasoline manufacture, such as butane, isobutane, propane, propylene, butylenes, and their mixtures; and natural gas, either liquid or gas, and hydrogen, used for the generation of power for the operation or propulsion of motor~~

vehicles. (3-29-10)

**117. Stack.** Any point in a source arranged to conduct emissions to the ambient air, including a chimney, flue, conduit, or duct but not including flares. (5-1-94)

~~**118. Stage 1 Vapor Collection.** Used during the refueling of underground gasoline storage tanks to reduce hydrocarbon emissions. Vapors in the tank, which are displaced by the incoming gasoline, are routed through a hose into the gasoline cargo tank and returned to the terminal for processing. Two (2) types of Stage 1 systems exist: coaxial and dual point. (3-29-10) **a. Coaxial System.** A Stage 1 vapor collection system that requires only one (1) tank opening. The tank opening is usually four (4) inches in diameter with a three (3) inch diameter product fill tube inserted into the opening. Fuel flows through the inner tube while vapors are displaced through the annular space between the inner and outer tubes. (3-29-10) **b. Dual Point System.** A Stage 1 vapor collection system that consists of two (2) separate tank openings, one (1) for delivery of the product and the other for the recovery of vapors. (3-29-10)~~

**119. Standard Conditions.** Except as specified in Subsection 576.02 for ambient air quality standards, a dry gas temperature of twenty degrees Celsius (20C) sixty-eight degrees Fahrenheit (68F) and a gas pressure of seven hundred sixty (760) millimeters of mercury (14.7 pounds per square inch) absolute. (4-5-00)

**120. Startup.** The normal and customary time period required to bring air pollution control equipment or an emissions unit, including process equipment, from a nonoperational status into normal operation. (5-1-94)

**121. Stationary Source.** Any building, structure, facility, emissions unit, or installation which emits or may emit any air pollutant. The fugitive emissions shall not be considered in determining whether a permit is required unless required by federal law. (4-11-06)

**122. Tier I Source.** Any of the following: (5-1-94)

**a.** Any source located at any major facility as defined in Section 008; (4-5-00)

**b.** Any source, including an area source, subject to a standard, limitation, or other requirement under 42 U.S.C. Section 7411 or 40 CFR Part 60, and required by EPA to obtain a Part 70 permit; (4-11-06)

**c.** Any source, including an area source, subject to a standard or other requirement under 42 U.S.C. Section 7412, 40 CFR Part 61 or 40 CFR Part 63, and required by EPA to obtain a Part 70 permit, except that a source is not required to obtain a permit solely because it is subject to requirements under 42 U.S.C. Section 7412(r); (4-11-06)

**d.** Any Phase II source; and (5-1-94)

e. Any source in a source category designated by the Department. (5-1-94)

**123. Total Suspended Particulates.** Particulate matter as measured by the method described in 40 CFR 50 Appendix B. (4-5-00)

**124. Toxic Air Pollutant.** An air pollutant that has been determined by the Department to be by its nature, toxic to human or animal life or vegetation and listed in Section 585 or 586. (5-1-94)

**125. Toxic Air Pollutant Carcinogenic Increments.** Those ambient air quality increments based on the probability of developing excess cancers over a seventy (70) year lifetime exposure to one (1) microgram per cubic meter (1 ug/m<sup>3</sup>) of a given carcinogen and expressed in terms of a screening emission level or an acceptable ambient concentration for a carcinogenic toxic air pollutant. They are listed in Section 586. (5-1-94)

**126. Toxic Air Pollutant Non-carcinogenic Increments.** Those ambient air quality increments based on occupational exposure limits for airborne toxic chemicals expressed in terms of a screening emission level or an acceptable ambient concentration for a non-carcinogenic toxic air pollutant. They are listed in Section 585. (5-1-94)

**127. Toxic Substance.** Any air pollutant that is determined by the Department to be by its nature, toxic to human or animal life or vegetation. (5-1-94)

**128. Trade Waste.** Any solid, liquid or gaseous material resulting from the construction or demolition of any structure, or the operation of any business, trade or industry including, but not limited to, wood product industry waste such as sawdust, bark, peelings, chips, shavings and cull wood. (5-1-94)

**129. TRS (Total Reduced Sulfur).** Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and any other organic sulfide present. (5-1-94)

**130. Unclassifiable Area.** An area which, because of a lack of adequate data, is unable to be classified pursuant to 42 U.S.C. Section 7407(d) as either an attainment or a nonattainment area. (5-1-94)

**131. Uncontrolled Emission.** An emission which has not been treated by control equipment. (5-1-94)

**132. Upset.** An unplanned disruption in the normal operations of any equipment or emissions unit which may cause excess emissions. (4-5-00)

**133. Visibility Impairment.** Any humanly perceptible change in visibility (light extinction, visual range, contrast, coloration) from that which would have existed under natural conditions. (3-30-07)

**134. Visibility in Any Mandatory Class I Federal Area.** Includes any integral vista associated with that area. (3-30-07)

**135. Wigwam Burner.** Wood waste burning devices commonly called teepee burners, silos, truncated cones, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes. (5-1-94)

**136. Wood Stove Curtailment Advisory.** An air pollution alert issued through local authorities and/or the Department to limit wood stove emissions during air pollution episodes. (5-1-94)

*EPA Approval: 11/19/2020, 85 FR 73632; EPA Effective:12/21/2020*

## **007. DEFINITIONS FOR THE PURPOSES OF SECTIONS 200 THROUGH 225 AND 400 THROUGH 461.**

**01. Agricultural Activities and Services.** For the purposes of Subsection 223.03.f., the usual and customary activities of cultivating the soil, producing crops and raising livestock for use and consumption. Agricultural activities and services do not include manufacturing, bulk storage, handling for resale or the formulation of any agricultural chemical listed in Sections 585 or 586. (5-1-94)

**02. Baseline Actual Emissions.** The rate of emissions, in tons per year, of a regulated air pollutant as determined by the following provisions: (4-11-06)

a. For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the regulated air pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the five (5) year period immediately preceding when the owner or operator begins actual construction of the project. The Director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. (4-11-06)

i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. (4-11-06)

ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive twenty-four (24) month period. (4-11-06)

iii. For a regulated air pollutant, when a project involves multiple emissions units, only one (1) consecutive twenty-four (24) month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated air

pollutant. (4-11-06)

iv. The average rate shall not be based on any consecutive twenty-four (24) month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Subsection 007.02.a.ii. (3-30-07)

**b.** For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the regulated air pollutant during any consecutive twenty-four (24) month period selected by the owner or operator within the ten (10) year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the Director for a permit required under these rules, whichever is earlier, except that the ten (10) year period shall not include any period earlier than November 15, 1990. (4-11-06)

i. The average rate shall include fugitive emissions to the extent quantifiable, and emissions associated with startups, shutdowns, and malfunctions. (4-11-06)

ii. The average rate shall be adjusted downward to exclude any non-compliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive twenty-four (24) month period. (4-11-06)

iii. The average rate shall be adjusted downward to exclude any emission limitation with which the source must currently comply, had such source been required to comply with such limitations during the consecutive twenty-four (24) month period; however, if an emission limitation is part of a standard or other requirement under 40 CFR Part 63, the baseline actual emissions need only be adjusted if the Department has taken credit for such emissions reductions in an attainment demonstration or maintenance plan. (4-11-06)

iv. For a regulated air pollutant, when a project involves multiple emissions units, only one (1) consecutive twenty-four (24) month period must be used to determine the baseline actual emissions for all the emissions units being changed. A different consecutive twenty-four (24) month period can be used for each regulated air pollutant. (4-11-06)

v. The average rate shall not be based on any consecutive twenty-four (24) month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by Subsections 006.03.b.ii. and 006.03.b.iii. (4-11-06)

**c.** For a new emissions unit, the baseline actual emissions for purposes of determining the

emissions increase that will result from the initial construction and operation of such unit shall equal zero (0); and, thereafter, for all other purposes, shall equal the unit's potential to emit. (4-11-06)

**d.** For a plantwide applicability limit (PAL) for a stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in Subsection 007.02.a, for other existing emissions units in accordance with the procedures contained in Subsection 007.02.b, and for a new emissions unit in accordance with the procedures contained in Subsection 007.02.c. (3-30-07)

**03. Begin Actual Construction.** Commence construction. (4-11-06)

**04. Emissions Increase.** The amount by which projected actual emissions exceed baseline actual emissions of an emissions unit. (4-11-06)

**05. Innovative Control Technology.** Any system of air pollution control that has not been adequately demonstrated in practice, but would have a substantial likelihood of achieving greater continuous emissions reduction than any control system in current practice, or of achieving at least comparable reductions at lower cost in terms of energy, economics, or non-air quality environmental effects. (5-1-94)

**06. Net Emissions Increase.** For purposes of Sections 204 and 205, a net emissions increase shall be defined by the federal regulations incorporated by reference. For purposes of Section 210, a net emissions increase shall be an emissions increase from a particular modification plus any other increases and decreases in actual emissions at the facility that are creditable and contemporaneous with the particular modification, where: (4-11-06)

**a.** A creditable increase or decrease in actual emissions is contemporaneous with a particular modification if it occurs between the date five (5) years before the commencement of construction or modification on the particular change and the date that the increase from the particular modification occurs. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred and eighty (180) days; (4-5-00)

**b.** A decrease in actual emissions is creditable only if it satisfies the requirements for emission reduction credits (Section 460) and has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular modification, and is federally enforceable at and after the time that construction of the modification commences. (4-5-00)

**c.** The increase in toxic air pollutant emissions from an already operating or permitted source is not included in the calculation of the net emissions increase for a proposed new source or modification if: (5-1-95)

- i. The already operating or permitted source commenced construction or modification prior to July 1, 1995; or (5-1-95)
- ii. The uncontrolled emission rate from the already operating or permitted source is ten per cent (10%) or less of the applicable screening emissions level listed in Section 585 or 586; or (6-30-95)
- iii. The already operating or permitted source is an environmental remediation source subject to or regulated by the Resource Conservation and Recovery Act (42 U.S.C. Sections 6901-6992k) and “Idaho Rules and Standards for Hazardous Waste,” (IDAPA 58.01.05.000 et seq.) or the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 6901-6992k) or a consent order. (6-30-95)

**07. Pilot Plant.** A stationary source located at least one quarter (1/4) mile from any sensitive receptor that functions to test processing, mechanical, or pollution control equipment to determine full-scale feasibility and which does not produce products that are offered for sale except in developmental quantities. (5-1-94)

**08. Projected Actual Emissions.** (4-11-06)

- a.** The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated air pollutant in any one (1) of the five (5) years (twelve (12) month period) following the date the unit resumes regular operation after the project, or in any one (1) of the ten (10) years following that date, if the project involves increasing the emissions unit’s design capacity or its potential to emit that regulated air pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at an existing major stationary source. (4-11-06)
- b.** In determining the projected actual emissions, the owner or operator of the stationary source: (4-11-06)
  - i. Shall consider all relevant information including, but not limited to, historical operational data, the company’s own representations, the company’s expected business activity and the company’s highest projections of business activity, the company’s filings with state or federal regulatory authorities, and compliance plans under the approved state implementation plan; and (4-11-06)
  - ii. Shall include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and (4-11-06)
  - iii. Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit’s emissions following the project that an

existing unit could have accommodated during the consecutive twenty-four (24) month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or (4-11-06)

iv. In lieu of using the method set out in Subsections 007.11.b.i. through 007.11.b.iii., may elect to use the emissions unit's potential to emit, in tons per year. (4-11-06)

**09. Reasonable Further Progress (RFP).** Annual incremental reductions in emissions of the applicable air pollutant as identified in the SIP which are sufficient to provide for attainment of the applicable ambient air quality standard by the required date. (4-11-06)

**10. Sensitive Receptor.** Any residence, building or location occupied or frequented by persons who, due to age, infirmity or other health based criteria, may be more susceptible to the deleterious effects of a toxic air pollutant than the general population including, but not limited to, elementary and secondary schools, day care centers, playgrounds and parks, hospitals, clinics and nursing homes. (5-1-94)

**11. Short Term Source.** Any new stationary source or modification to an existing source, with an operational life no greater than five (5) years from the inception of any operations to the cessation of actual operations. (5-1-94)

**12. Toxic Air Pollutant Reasonably Available Control Technology (T-RACT).** An emission standard based on the lowest emission of toxic air pollutants that a particular source is capable of meeting by the application of control technology that is reasonably available, as determined by the Department, considering technological and economic feasibility. If control technology is not feasible, the emission standard may be based on the application of a design, equipment, work practice or operational requirement, or combination thereof. (5-1-94)

*EPA Approval: 6/9/2011, 76 FR 33647; EPA Effective: 7/11/2011*

## **011. DEFINITIONS FOR THE PURPOSES OF SECTIONS 790 THROUGH 799.**

**01. Best Management Practice.** The best management practice (BMP) employed within an industry to control fugitive emissions. (3-15-02)

**02. Control Strategy Trigger.** An event or condition that indicates that a control action is needed to prevent violation of a standard or a provision of the rule. (3-15-02)

**03. Nonmetallic Mineral Processing Plant.** Any combination of equipment that is used to crush or grind any nonmetallic mineral or rock wherever it may be located, including equipment located at lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility or location processing nonmetallic minerals. (3-15-02)



**04. NSPS Regulated Facility or Plant.** A facility or processing plant that is subject to a standard, limitation, or other requirement of 40 CFR 60, Standards for the Performance of New Stationary Sources. (3-15-02)

**05. Permit by Rule.** A provision of the rules under which a facility or source registers with the Department and meets the specific requirements for that type of source. The source is then deemed to have a permit, thereby authorizing construction and operation without first obtaining a “Permit to Construct” as required in Section 201. Operating in accordance with a “Permit by Rule” (PBR) does not relieve the owner or operator from complying with all applicable federal, state, and local rules and regulations. (3-15-02)

**06. Progressive Control Strategy.** A sequence of control actions that when progressively employed can reduce the potential for violation of a standard or a provision of the rules. Control actions, beginning with those early in the sequence, shall be progressively applied until an adequate level of control is achieved. (3-15-02)

**07. Site of Operations.** The specific operating location of a nonmetallic mineral processing plant. (3-15-02)

*EPA Approval: 8/12/2016; 81 FR 53290; EPA Effective: 9/12/2016*

## **106. ABBREVIATIONS.**

**01. AAC.** Acceptable Ambient Concentration. (5-1-94)

**02. AACC.** Acceptable Ambient Concentration for a Carcinogen. (5-1-94)

**03. ACGIH.** American Conference of Government Industrial Hygienists. (5-1-94)

**04. CAS.** Chemical Abstract Service. (5-1-94)

**05. CL.** Derived from ACGIH ceiling Limit UF = 10. (5-1-94)

**06. EL.** Emissions Screening Level. (5-1-94)

**07. ID.** Idaho Division of Environmental Quality. Not OEL based. (5-1-94)

**08. LA.** From LA Dept. of Environmental Quality. Not OEL based eight (8) hour TWA. (5-1-94)

**09. MA.** From MA Dept. of Environmental Protection, Div. of Air Quality Control. Not OEL based, annual averaging time, no uf. (5-1-94)

**10. MI.** From MI Dept. of Natural Resources, Air Quality Div. Based on toxicological data, annual av. time, no uf. (5-1-94)

**11. NY.** From New York Dept. of Conservation, Div. of Air Quality. Not OEL based, one (1) yr. Av. time no uncertainty factor (uf). (5-1-94)

**12. OEL.** Reference Occupational Exposure Level. (5-1-94)

**13. PL.** From Phil. Dept. of Air Management Services. Not OEL based, one (1) yr. averaging time no uf. (5-1-94)

**14. PL1.** From Phil. Dept. of Air Management Services. Unspecified OEL based, one (1) yr. averaging time, uf=10. (5-1-94)

**15. PL2.** From Phil. Dept. of Air Management Services. Not OEL based one (1) yr. Av. time, uf=10. (5-1-94)

**16. PL3.** From Phil. Dept. of Air Management Services. Not OEL based, one (1) yr. av. time, uf=1000. (5-1-94)

**17. TWA.** Time Weighted Average. (5-1-94)

**18. UF.** Uncertainty Factor. (5-1-94)

**19. URF.** Unit Risk Factor from the US Environmental Protection Agency. (5-1-94)

**20. WA.** From Washington Dept. of Ecology, Air Programs. Acceptable Source Impact Level based. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **107. INCORPORATIONS BY REFERENCE.**

**01. General.** Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term “documents” includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

**02. Availability of Referenced Material.** Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)

**a.** All federal publications: U.S. Government Printing Office, <http://www.ecfr.gov/cgi-bin/ECFR>; and (3-25-16)

**b.** Statutes of the state of Idaho:

<http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm>; and (3-20-14)

c. All documents herein incorporated by reference: (7-1-97)

i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373- 0502. (7-1-97)

ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)

**03. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (6-17-21)

a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR Part 51 revised as of July 1, 2021. The following portions of 40 CFR Part 51 are expressly excluded from any incorporation by reference into these rules: (3-24-22)

i. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, except that 40 CFR 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules; and (3-24-22)

ii. Appendix Y to Part 51, Guidelines for BART Determinations Under the Regional Haze Rule. (3-24-22)

b. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, 2021. (3-24-22)

c. Approval and Promulgation of Implementation Plans, 40 CFR Part 52, Subparts A and N and Appendices D and E, revised as of July 1, 2021. (3-24-22)

d. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, 2021. (3-24-22)

e. Ambient Air Quality Surveillance, 40 CFR Part 58, revised as of July 1, 2021. (3-24-22)

~~f. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, 2021. (3-24-22)~~

~~g. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, 2021. (3-24-22)~~

~~h. Federal Plan Requirements for Hospital/Medical/Infections Waste Incinerators Constructed on or Before December 1, 2008, 40 CFR Part 62, Subpart HHH, revised as of July 1, 2021. (3-24-22)~~

~~i. Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction On or Before July 17, 2014 and Have Not Been Modified or Reconstructed Since July 17, 2014, 40 CFR Part 62, Subpart OOO, revised as of July 1, 2021. (3-24-22)~~

~~j. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, 2021. (3-24-22)~~

~~k. Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, 2021. (3-24-22)~~

~~l. State Operating Permit Programs, 40 CFR Part 70, revised as of July 1, 2021. (3-24-22).~~

~~m. Permits, 40 CFR Part 72, revised as of July 1, 2021. (3-24-22)~~

~~n. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, 2021. (3-24-22)~~

~~o. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, 2021. (3-24-22)~~

~~p. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)~~

*EPA Approval: 3/29/2023, 88 FR 18426; EPA Effective: 4/28/2023*

## **121. COMPLIANCE REQUIREMENTS BY DEPARTMENT.**

Any person engaged in an activity which may violate the air quality provisions of the Act, violate an air quality order issued or entered in accordance with the Act or these rules, or violate any of these rules, may be required by the Department to do any of the following:

**01. Schedule.** Prepare a proposed schedule whereby the unlawful activity will be brought into compliance over a specified period of time.

**02. Report.** Submit periodic reports to the Department indicating progress in achieving compliance.

**03. Records.** Submit, keep and maintain appropriate records.

**04. Monitoring.** Monitor air pollutants at the source, in the ambient air, or in vegetation to demonstrate compliance.

**05. Episode Plans.** Develop emergency episode plans to help prevent ambient air pollution concentrations from reaching levels which would cause substantial endangerment to health or the environment.

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **122. INFORMATION ORDERS BY THE DEPARTMENT.**

The Department may issue information orders as follows: (5-1-94)

### **01. Purpose.** For the purpose of: (5-1-94)

- a.** Developing or assisting in the development of any implementation plan, any standard of performance, any emission standard or any rule; (5-1-94)
- b.** Determining whether any person is in violation of any standard of performance, any emission standard, any implementation plan or any rule; or (5-1-94)
- c.** Carrying out any air quality provisions of the Act, any air quality order issued or entered in accordance with the Act or rules, or any of these rules. (5-1-94)

### **02. Persons.** The Department may issue an information order to any person who: (5-1-94)

- a.** Owns or operates any emission source; (5-1-94)
- b.** Manufactures emission control equipment; (5-1-94)
- c.** The Department believes may have information necessary to meet the intent of these rules; or (5-1-94)
- d.** Is subject to any requirement of these rules. (5-1-94)

### **03. Requirements.** The information order may require the person to perform the following on a one-time, periodic or continuous basis: (5-1-94)

- a.** Establish, maintain and submit records; (5-1-94)
- b.** Make reports; (5-1-94)
- c.** Install, use, and maintain monitoring equipment, and use audit procedures, or methods; (5-1-94)
- d.** Sample emissions in accordance with procedures or methods, at such locations, at such intervals, during such periods and in such manner as the Department shall prescribe; (5-1-94)
- e.** Keep records on control equipment parameters, production variables or other indirect data when the Department determines that direct monitoring of emissions is impractical; (5-1-94)

**f. Submit compliance certifications including: (5-1-94)**

i. Identification of the applicable requirement that is the basis of the certification; (5-1-94)

ii. The method(s) or other means used by the owner or operator for determining the compliance status for each applicable requirement, and whether such methods or other means provide continuous or intermittent data; and (4-5-00)

iii. The status of compliance with each applicable requirement, based on the method or means designated in Subsection 122.03.f.ii. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under 40 CFR Part 64 occurred; and (4-5-00)

**g. Provide such other information as the Department may require. (5-1-94)**

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**123. CERTIFICATION OF DOCUMENTS.**

All documents, including but not limited to, application forms for permits to construct, application forms for operating permits, progress reports, records, monitoring data, supporting information, requests for confidential treatment, testing reports or compliance certifications submitted to the Department shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; Effective: 2/18/2003*

**124. TRUTH, ACCURACY AND COMPLETENESS OF DOCUMENTS.**

All documents submitted to the Department shall be truthful, accurate and complete. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**125. FALSE STATEMENTS.**

No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under any permit, or any applicable rule or order in force pursuant thereto. (3-23-98)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**126. TAMPERING.**

No person shall knowingly render inaccurate any monitoring device or method required under

any permit, or any applicable rule or order in force pursuant thereto. (3-23-98)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **127. FORMAT OF RESPONSES.**

All responses and information submitted to the Department shall be provided in a format approved by the Department. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **130. STARTUP, SHUTDOWN, SCHEDULED MAINTENANCE, SAFETY MEASURES, UPSET AND BREAKDOWN.**

The purpose of Sections 130 through 136 is to establish procedures and requirements to be implemented in all excess emissions events and to establish criteria to be applied by the Department in determining whether to take enforcement action to impose penalties for an excess emissions event where the excess emissions are caused by startup, shutdown, scheduled maintenance, upset, or breakdown of any emissions unit or which occur as a direct result of the implementation of any safety measure. (4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **131. EXCESS EMISSIONS.**

**01. Applicability.** The owner or operator of a facility or emissions unit generating excess emissions shall comply with Sections 131, 132, 133.01, 134.01, 134.02, 134.03, 135, and 136, as applicable. If the owner or operator anticipates requesting consideration under Subsection 131.02, then the owner or operator shall also comply with the applicable provisions of Subsections 133.02, 133.03, 134.04, and 134.05. (4-5-00)

**02. Enforcement Action Criteria.** Where an excess emissions event occurs as a direct result of startup, shutdown, or scheduled maintenance, or an unavoidable upset or unavoidable breakdown, or the implementation of a safety measure, the Department shall consider the sufficiency of the information submitted and the following criteria to determine if an enforcement action to impose penalties is warranted: (4-5-00)

**a.** Whether prior to the excess emissions event, the owner or operator submitted and implemented procedures pursuant to Subsections 133.02 and 133.03 or Subsections 134.04 and 134.05, as applicable; (4-5-00)

**b.** Whether the owner or operator complied with all relevant portions of Subsections 131, 132, 133.01, 134.01, 134.02, 134.03, 135, and 136; (4-5-00)

**c.** Whether the excess emissions event was part of a recurring pattern of excess emissions events indicative of inadequate design, operation or maintenance of the facility or emissions unit; and (4-5-00)

d. Where appropriate, whether the excess emissions event was caused by an activity necessary to prevent loss of life, personal injury or severe property damage. (4-5-00)

**03. Effect Of Determination.** Any decision by the Department under Subsection 131.02 shall not excuse the owner or operator from compliance with the relevant emission standard and shall not preclude the Department from taking an enforcement action to enjoin the activity causing the excess emissions. Any decision made by the Department under Subsection 131.02 shall not preclude the Department from taking an enforcement action for future or other excess emission events. The affirmative defense for emergencies under Section 332 of these Rules may be applied in addition to the provisions of Sections 130 through 136. (4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

### **132. CORRECTION OF CONDITION.**

The person responsible for, or in charge of a facility during, an excess emissions event shall, with all practicable speed, initiate and complete appropriate and reasonable action to correct the conditions causing such excess emissions event; to reduce the frequency of occurrence of such events; to minimize the amount by which the emission standard is exceeded; and shall, as provided below or upon request of the Department, submit a full report of such occurrence, including a statement of all known causes, and of the scheduling and nature of the actions to be taken. (4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

### **133. STARTUP, SHUTDOWN AND SCHEDULED MAINTENANCE REQUIREMENTS.**

The requirements in Subsection 133.01 shall apply in all cases where startup, shutdown, or scheduled maintenance of any equipment or emissions unit is expected to result or results in an excess emissions event. The owner or operator of the facility or emissions unit generating the excess emissions shall demonstrate compliance with all of the requirements of Subsection 133.01, as well as the development and implementation of procedures pursuant to Subsections 133.02 and 133.03 as a prerequisite to any consideration under Subsection 131.02. (4-5-00)

**01. General Provisions.** The following shall pertain to all startup, shutdown, and scheduled maintenance activities expected to result or resulting in excess emissions: (4-5-00)

a. No scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory and/or a Wood Stove Curtailment Advisory has been declared by the Department within an area designated by the Department as a PM-10 nonattainment area, unless the permittee demonstrates that such is reasonably necessary to facility operations and cannot be reasonably avoided and the Department approves such activity in advance, to the extent advance approval by the Department is feasible. This prohibition on scheduled startup, shutdown or maintenance activities during Advisories does not apply to situations where shutdown is necessitated by



urgent situations, such as imminent equipment failure, power curtailment, worker safety concerns or similar situations. (3-20-97)

**b.** The owner or operator of a source of excess emissions shall notify the Department of any startup, shutdown, or scheduled maintenance event that is expected to cause an excess emissions event. Such notification shall identify the time of the excess emissions, specific location, equipment involved, and type of excess emissions event (i.e. startup, shutdown, or scheduled maintenance). The notification shall be given as soon as reasonably possible, but no later than two (2) hours prior to the start of the excess emissions event unless the owner or operator demonstrates to the Department's satisfaction that a shorter advanced notice was necessary. The Department may prohibit or postpone any scheduled startup, shutdown, or maintenance activity upon consideration of the factors listed in Subsection 134.03. (4-5-00)

**c.** The owner or operator of a source of excess emissions shall report and record the information required pursuant to Sections 135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance. (3-20-97)

**d.** The owner or operator of a source of excess emissions must make the maximum reasonable effort, including off-shift labor where practicable to accomplish maintenance during periods of nonoperation of any related source operations or equipment. (4-5-00)

**02. Excess Emissions Procedures.** For all equipment or emissions unit from which excess emissions may occur during startup, shutdown, or scheduled maintenance, the facility owner or operator shall prepare, implement and file with the Department specific procedures which will be used to minimize excess emissions during such events. Specific information for each of the types of excess emissions events (i.e. startup, shutdown and scheduled maintenance) shall be established or documented for each piece of equipment or emissions unit and shall include all of the following (which may be based upon the facility owner or operator's knowledge of the process or emissions where measured data is unavailable): (4-5-00)

**a.** Identification of the specific equipment or emissions unit and the type of event anticipated. (4-5-00)

**b.** Identification of the specific emissions in excess of applicable emission standards during the startup, shutdown, or scheduled maintenance period. (4-11-06)

**c.** The estimated amount of excess emissions expected to be released during each event. (3-20-97)

**d.** The expected duration of each excess emissions event. (3-20-97)

**e.** An explanation of why the excess emissions are reasonably unavoidable for each of the types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance). (3-20-97)

**f.** Specification of the frequency at which each of the types of excess emissions events (i.e. startup, shutdown, and scheduled maintenance) are expected to occur. (3-20-97)

**g.** For scheduled maintenance, the owner or operator shall also document detailed explanations of: (4-5-00)

i. Why the maintenance is needed. (3-20-97)

ii. Why it is impractical to reduce or cease operation of the equipment or emissions unit during the scheduled maintenance period. (4-5-00)

iii. Why the excess emissions are not reasonably avoidable through better scheduling of the maintenance or through better operation and maintenance practices. (3-20-97)

iv. Why, where applicable, it is necessary to by-pass, take off line, or operate equipment or emissions unit at reduced efficiency while the maintenance is being performed. (4-5-00)

**h.** Justification to explain why the piece of equipment or emissions unit cannot be modified or redesigned to eliminate or reduce the excess emissions which occur during startup, shutdown, and scheduled maintenance. (4-5-00)

**i.** Detailed specification of the procedures to be followed by the owner or operator which will minimize excess emissions at all times during startup, shutdown, and scheduled maintenance. These procedures may include such measures as preheating or otherwise conditioning the emissions unit prior to its use or the application of auxiliary equipment or emissions unit to reduce the excess emissions. (4-5-00)

**03. Amendments to Procedures.** The owner or operator shall amend, and the Department may require amendments to, the procedures established pursuant to Section 133 from time to time and as deemed reasonably necessary to ensure that the procedures are and remain consistent with good pollution control practices. (4-5-00)

**04. Filing of Excess Emissions Procedures.** (4-5-00)

**a.** Unless otherwise required by the Department, the failure to prepare or file procedures pursuant to Subsection 133.02 shall not be a violation of these Rules in and of itself. (4-5-00)

**b.** To the extent procedures or plans for excess emissions resulting from startup, shutdown, or scheduled maintenance are required to be or are otherwise submitted to the Department with any permit application, such submission, if deemed adequate by the Department, shall fulfill the requirement under this Section to file plans and procedures with the Department.

(4-5-00)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

**134. UPSET, BREAKDOWN AND SAFETY REQUIREMENTS.**

The requirements in Subsections 134.01, 134.02, and 134.03 shall apply in all cases where upset or breakdown of equipment or an emissions unit, or the initiation of safety measures, result or may result in an excess emissions event. The owner or operator of the facility or emissions unit generating the excess emissions shall demonstrate compliance with all of the requirements of Subsections 134.01, 134.02 and 134.03 as well as the development and implementation of procedures pursuant to Subsections 134.04 and 134.05 as a prerequisite to any consideration under Subsection 131.02. Where the owner or operator demonstrates that because of the unforeseeable nature of the excess emissions event it is impractical to develop procedures pursuant to Subsection 134.04, the Department shall exercise its enforcement discretion on a case by case basis. (4-5-00)

**01. Routine Maintenance and Repairs.** For all equipment or emissions units from which excess emissions may occur during upset conditions or breakdowns or implementation of safety measures, the facility owner or operator shall: (4-5-00)

**a.** Implement routine preventative maintenance and operating procedures consistent with good pollution control practices for minimizing upsets and breakdowns or events requiring implementation of safety measures, and (3-20-97)

**b.** Make routine repairs in an expeditious fashion when the owner or operator knew or should have known that an excess emissions event was likely to occur. Off-shift labor and overtime shall be utilized, to the extent practicable, to ensure that such repairs are made expeditiously. (3-20-97)

**02. Excess Emissions Minimization And Notification.** For all equipment or emissions units from which excess emissions result during upset or breakdown conditions, or for other situations that may necessitate the implementation of safety measures which cause excess emissions, the facility owner or operator shall comply with the following: (4-5-00)

**a.** The owner or operator shall immediately undertake all appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event and to minimize the impact of such excess emissions on the ambient air quality and public health. (4-5-00)

**b.** The owner or operator shall notify the Department of any upset/breakdown/safety event that results in excess emissions. Such notification shall identify the time, specific location, equipment or emissions unit involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than twenty-four (24) hours after the event, unless the owner or operator demonstrates to the

Department's satisfaction that the longer reporting period was necessary. (4-5-00)

c. The owner or operator shall report and record the information required pursuant to Sections 135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure. (3-20-97)

**03. Discretionary Reduction or Cessation Provisions.** During any period of excess emissions caused by upset, breakdown, or operation under facility safety measures, the Department may require the owner or operator to immediately reduce or cease operation of the equipment or emissions unit causing the excess emissions until such time as the condition causing the excess emissions has been corrected or brought under control. Such action by the Department shall be taken upon consideration of the following factors and after consultation with the facility owner or operator: (4-5-00)

a. Potential risk to the public or the environment. (3-20-97)

b. Whether ceasing operations could result in physical damage to the equipment, emissions unit or facility, or cause injury to employees. (4-5-00)

c. Whether continued excess emissions were reasonably unavoidable as determined by the Department. (4-5-00)

d. The effect of the increase in pollution resulting from the shutdown and subsequent restart of the equipment or emissions unit or facility. (4-5-00)

e. The owner or operator shall not be required to reduce or cease operations at the entire facility if reducing or ceasing operations at a portion of the facility eliminates or adequately reduces the excess emissions. (4-5-00)

**04. Excess Emissions Procedures.** For equipment or emissions units and process upsets and breakdowns and situations that require implementation of safety measures, which events can reasonably be anticipated to occur periodically but which cannot be reasonably avoided or predicted with certainty, the owner or operator shall prepare, implement, and file with the Department specific procedures which will be used to minimize such events and excess emissions during such events. To the extent possible and reasonably practicable (and based upon knowledge of the process or emissions where measured data is not available), specify the following information for each type of anticipated upset/ breakdown/safety event: (4-5-00)

a. The specific air pollution control equipment or emissions unit and the type of event anticipated. (3-20-97)

b. The specific emissions in excess of applicable emission standards during the event. (4-11-06)

- c. The estimated amount of excess emissions expected to be released during each event. (3-20-97)
- d. The expected duration of each excess emissions event. (3-20-97)
- e. An explanation of why the excess emissions are reasonably unavoidable. (3-20-97)
- f. The frequency of the type of event, based on historic occurrences. (3-20-97)
- g. Justification to explain why the piece of control equipment or emissions unit cannot be modified or redesigned to eliminate or reduce the particular type of event. (3-20-97)
- h. Detailed specification of the procedures to be followed by the owner or operator which will minimize excess emissions at all times during such events, including without limitation those procedures listed under Subsection 134.05. (3-20-97)

**05. Amendments to Procedures.** The owner or operator shall amend, and the Department may require amendments to, the procedures established pursuant to Section 134 from time to time and as deemed reasonably necessary to ensure that the procedures are and remain consistent with good pollution control practices. (4-5-00)

#### **06. Filing of Excess Emissions Procedures.**

- a. Failure to follow procedures filed with the Department shall not preclude the Department from making a determination under Subsection 131.02 if the owner or operator demonstrates to the Department's satisfaction that alternate and equivalent procedures were used and were necessitated by the exigency of the circumstances. (4-5-00)
- b. Unless otherwise required by the Department, the failure to prepare or file procedures pursuant to Subsection 134.04 shall not be a violation of these Rules in and of itself. (4-5-00)
- c. To the extent procedures or plans for excess emissions resulting from upsets, breakdowns or safety measures are required to be or are otherwise submitted to the Department with any permit application, such submission, if deemed adequate by the Department, shall fulfill the requirement under this Section to file plans and procedures with the Department. (4-5-00)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

### **135. EXCESS EMISSIONS REPORTS.**

**01. Deadline for Excess Emissions Reports.** A written report for each excess emissions event shall be submitted to the Department by the owner or operator no later than fifteen (15) days after the beginning of each such event. (3-20-97)

**02. Contents of Excess Emissions Reports.** Each report shall contain the following information: (3-20-97)

- a.** The time period during which the excess emissions occurred; (3-20-97)
- b.** Identification of the specific equipment or emissions unit which caused the excess emissions; (3-20-97)
- c.** An explanation of the cause, or causes, of the excess emissions and whether the excess emissions occurred as a result of startup, shutdown, scheduled maintenance, upset, breakdown or a safety measure; (3-20-97)
- d.** An estimate of the emissions in excess of any applicable emission standard (based on knowledge of the process and facility where emissions data is unavailable); (4-11-06)
- e.** A description of the activities carried out to eliminate the excess emissions; and (3-20-97)
- f.** Certify compliance status with the requirements of Sections 131, 132, 133.01, 134.01 through 134.03, 135, and 136. (4-5-00)
- g.** If requesting consideration under Subsection 131.02, certify compliance status with Sections 131, 132, 133.01 through 133.03, 134.01 through 134.05, 135, and 136. (4-5-00)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **136. EXCESS EMISSIONS RECORDS.**

**01. Maintenance of Excess Emissions Records.** The owner or operator shall maintain excess emissions records at the facility for the most recent five (5) calendar year period. (3-20-97)

**02. Availability of Excess Emissions Records.** The excess emissions records shall be made available to the Department upon request. (3-20-97)

**03. Contents of Excess Emissions Records.** The excess emissions records shall include the following: (3-20-97)

- a.** An excess emissions log book for each emissions unit or piece of equipment containing copies of all reports that have been submitted to the Department pursuant to Section 135 for the particular emissions unit or equipment; and (4-5-00)
- b.** Copies of all startup, shutdown, and scheduled maintenance procedures and upset/breakdown/ safety preventative maintenance plans which have been developed by the owner or operator in accordance with Sections 133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans. (3-20-97)

**04. Protections Under Section 128.** The protections under Section 128 for confidential information shall be available for excess emissions reports and records upon proper request of the owner or operator in accordance with Section 128. (3-23-98)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**155. CIRCUMVENTION.**

No person shall willfully cause or permit the installation or use of any device or use of any means that conceals emissions of pollutants that would otherwise violate the provisions of this chapter without resulting in a reduction in the total amount of emissions. (4-11-06)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

**156. TOTAL COMPLIANCE.**

Where more than one (1) section of these rules applies to a particular situation, all such rules must be met for total compliance, unless otherwise provided for in these rules. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**157. TEST METHODS AND PROCEDURES.**

The purpose of this Section is to establish procedures and requirements for test methods and results. Unless otherwise specified in these rules, permit, order, consent decree, or prior written approval by the Department: (4-5-00)

**01. General Requirements.** If a source test is performed to satisfy a performance test requirement or a compliance test requirement imposed by state or federal regulation, rule, permit, order or consent decree, then the test methods and procedures shall be conducted in accordance with the requirements of Section 157. (4-5-00)

**a.** Prior to conducting any emission test, owners or operators are strongly encouraged to submit to the Department in writing, at least thirty (30) days in advance, the following for approval: (4-5-00)

i. The type of method to be used; (4-5-00)

ii. Any extenuating or unusual circumstances regarding the proposed test; and (4-5-00)

iii. The proposed schedule for conducting and reporting the test. (4-5-00)

**b.** Without prior Department approval, any alternative testing is conducted solely at the owner's or operator's risk. If the owner or operator fails to obtain prior written approval by the Department for any testing deviations, the Department may determine the test does not

satisfy the testing requirements. (4-5-00)

**02. Test Requirements.** Tests shall be conducted in accordance with the following requirements. (4-5-00)

- a.** The test must be conducted under operational conditions specified in the applicable state or federal regulation, rule, permit, order, consent decree or by Department approval. If the operational requirements are not specified, the source should test at worst-case normal operating conditions. Worst-case normal conditions are those conditions of fuel type, and moisture, process material makeup and moisture and process procedures which are changeable or which could reasonably be expected to be encountered during the operation of the facility and which would result in the highest pollutant emissions from the facility. (4-5-00)
- b.** The Department may impose operational limitations or require additional testing in a permit, order or consent decree if the test is conducted under conditions other than worst-case normal. (4-5-00)
- c.** The Department will accept the methods approved for the applicable pollutants, source type and operating conditions found in 40 CFR Parts 51, 60, 61, and 63 in determining the appropriate test method for an emission limit where one is not otherwise specified. (4-5-00)
- d.** The following requirements apply to owners or operators requesting minor changes in the test method. As stated in Subsection 157.01 above, without prior Department approval, other changes may result in rejection of the test results by the Department. (4-5-00)
  - i.** For federal emission standards codified at 40 CFR Parts 60, 61, and 63, the Department will accept those minor changes which have received written approval of the U.S. EPA Administrator so long as the Department determines they are appropriate for the specific application. (4-5-00)
  - ii.** For all other emission standards in these rules or for permit requirements, the Department will accept those minor changes that the Department determines are appropriate for the specific application. (4-5-00)
- e.** An owner or operator proposing to use an alternative test method not considered a minor change in Subsection 157.02.d. above, must: (4-5-00)
  - i.** Demonstrate to the Department by comparative testing or sufficient analysis, that the alternative method is comparable and equivalent to the designated test method. (4-5-00)
  - ii.** Submit the request for approval to use an alternative test method to the Department at least thirty (30) days in advance of a scheduled test. (4-5-00)



iii. Obtain, and submit to the Department, EPA approval for use of the alternative test method for emission standards in these rules (except for state only toxic air pollutant standards) or for federal emission standards codified at 40 CFR Parts 60, 61, and 63. (4-5-00)

iv. Obtain verification that any prior approval of an alternative test method by the Department continues to be acceptable. Alternative methods may cease to be acceptable if new or different information indicates that the alternative test method is less accurate, less reliable, or not comparable with any current state or federal regulation, rule order, permit, or consent decree. (4-5-00)

f. Prior approval by the Department may not constitute Department approval for subsequent tests if new or different information indicates that a previously Department approved test method is less accurate, less reliable or not comparable with any current state or federal regulation, rule, order, permit or consent decree. (4-5-00)

**03. Observation Of Tests By Department Staff.** The owner or operator shall provide notice of intent to test to the Department at least fifteen (15) days prior to the scheduled test, or shorter time period as provided in a permit, order, consent decree or by Department approval. The Department may, at its option, have an observer present at any emissions tests conducted on a source. (4-5-00)

**04. Reporting Requirements.** If the source test is performed to satisfy a performance test requirement imposed by state or federal regulation, rule, permit, order, or consent decree, a written report shall be submitted to the Department within sixty (60) days of the completion of the test. The written report shall: (4-11-15)

a. Meet the format and content requirements specified by the Department in any applicable rule, regulation, guidance, permit, order, or consent decree. Any deviations from the format and contents specified require prior written approval from the Department. Failure to obtain such approval may result in the rejection of the test results. (4-5-00)

b. Include all data required to be noted or recorded in any referenced test method. (4-5-00)

**05. Test Results Review Criteria.** The Department will make every effort to review test results within a reasonable time. The Department may reject tests as invalid for: (4-5-00)

a. Failure to adhere to the approved/required method; (4-5-00)

b. Using a method inappropriate for the source type or operating conditions; (4-5-00)

c. An incomplete written report; (4-5-00)

d. Computational or data entry errors; (4-5-00)

e. Clearly unreasonable results; (4-5-00)

f. Failure to comply with the certification requirements of Section 123 of these rules; or (4-5-00)

g. Failure of the source to conform to operational requirements in orders, permits, or consent decrees at the time of the test. (4-5-00)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **160. PROVISIONS GOVERNING SPECIFIC ACTIVITIES AND CONDITIONS.**

Sections 160 through 164 establish provisions governing specific activities and conditions. Test methods and procedures shall comply with Section 157. (4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **162. MODIFYING PHYSICAL CONDITIONS.**

When physical conditions such as tall adjacent buildings, valley and mountain terrain, etc., are such as to limit the normal dispersion of air pollutants, the Board may set more restrictive emission limitations on those sources affected by the unusual conditions when air quality standards would reasonably be expected to be exceeded. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **163. SOURCE DENSITY.**

Should areas develop where each individual source is meeting the requirements of this chapter, yet the ambient air quality standards are being exceeded or might reasonably be expected to be exceeded, the Board may set more restrictive emission limits than are contained in this chapter. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **164. POLYCHLORINATED BIPHENYLS (PCBS).**

**01. Prohibition On Burning.** Burning any material containing greater than five (5) parts per million of polychlorinated biphenyls (PCBs) is prohibited, except for incineration for the purpose of disposal. Incineration for disposal shall comply with the following provisions: (5-1-94)

a. No person shall commence construction or modification of a PCB incinerator without a permit issued according to Sections 200 through 225. (5-1-94)

b. The Department must provide opportunity for public comments prior to a final decision for a permit to construct or modify a new PCB incinerator. (5-1-94)

**c.** A permit issued according to Sections 200 through 225 for construction or modification of a PCB incinerator shall require, as a minimum, best available control technology and monitoring instrumentation. (5-1-94)

**d.** No permit to operate, construct or modify a PCB incinerator shall be processed or issued prior to March 16, 1987, or such earlier date as shall be determined by the State Board of Environmental Quality. (5-1-94)

**02. Prohibition On Sales.** No person shall sell, distribute or provide any materials containing greater than five (5) parts per million PCBs for home or commercial heating equipment. (5-1-94)  
*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **175. PROCEDURES AND REQUIREMENTS FOR PERMITS ESTABLISHING A FACILITY EMISSIONS CAP.**

The purpose of Sections 176 through 181 is to establish uniform procedures to obtain a Facility Emissions Cap (FEC) for stationary sources or facilities (hereinafter referred to as facility or facilities). A permit establishing a FEC will be issued pursuant to Sections 200 through 228 or Sections 400 through 410. (4-11-06)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **176. FACILITY EMISSIONS CAP.**

**01. Optional Facility Emissions Cap.** An owner or operator of a facility may request a FEC to establish an enforceable facility-wide emission limitation. (4-11-06)

### **02. Applicability.** (4-11-06)

**a.** The owner or operator of any facility, which is not a major facility as defined in Sections 204 or 205, may apply to the Department for a permit to establish a FEC. (4-11-06)

**b.** FECs are available for new and existing facilities that are not major as defined in Section 204 or 205 or existing facilities undergoing a modification that does not make the facility a major facility as defined in Section 204 or 205. (4-11-15)

**c.** Facilities that become major facilities as defined in Section 204 or 205 are no longer eligible for a FEC under Section 176. (4-11-15)

**03. Definitions.** For the purposes of Sections 175 through 181, the following terms shall be defined as below. (4-11-06)

**a.** Baseline actual emissions. As defined in Section 007. (4-11-06)

**b. Design concentration.** The ambient concentration used in establishing the FEC. (4-11-06)

**c. Facility emissions cap (FEC).** A facility-wide emission limitation expressed in tons per year, for any criteria pollutant or hazardous air pollutant established in accordance with Sections 176 through 181. A FEC is calculated using baseline actual emissions plus an operational variability component and a growth component. A FEC, which is defined in tons per year on a twelve (12) month rolling basis, must be set below major facility thresholds as defined in Sections 204 and 205. (4-11-15)

**d. FEC pollutant.** The pollutant for which a FEC is established. (4-11-06)

**e. Growth component.** The level of emissions requested by the applicant and approved by the Department to allow for potential future business growth or facility changes that may increase emissions above baseline actual emissions plus the operational variability component. (4-11-06)

**f. Operational variability component.** The level of emissions up to the significant emission rate (SER) minus one (1) ton per year but no more than the facility's potential to emit (PTE). If the proposed FEC pollutant does not have a SER listed in Section 006 or has a SER less than or equal to ten (10) tons per year, the operational variability component is the level of emissions requested by the applicant and approved by the Department. The operational variability component cannot be more than the facility's PTE. (4-11-15)

*EPA Note: Except for provisions relating to hazardous air pollutants.*

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **177. APPLICATION PROCEDURES.**

In addition to the information required pursuant to Sections 202 or 402, whichever is applicable, applications requesting a FEC must include the information required under Sections 176 through 181 and Subsections 177.01 through 177.03. (4-11-06)

**01. Estimates of Emissions.** A proposed FEC for each pollutant requested by the facility, including the basis for calculating the FEC. (4-11-06)

**02. Estimates of Ambient Concentrations.** (4-11-06)

**a.** Estimates of ambient concentrations will be determined as described in Subsection 202.02. (4-11-15)

**b.** Estimates of ambient concentrations may include projections of alternative future changes within the proposed FEC. (4-11-06)

**c.** For a new, existing, or modified facility, a demonstration that for each FEC pollutant, the

FEC will not cause or significantly contribute to a violation of any ambient air quality standard. (4-11-06)

**d.** For renewal of terms and conditions establishing a FEC, it is presumed that the previous permitting analysis is satisfactory, unless the Department determines otherwise. (4-11-06)

**03. Monitoring and Recordkeeping.** The application must include proposed means for the facility to determine facility emissions on a rolling twelve (12) month consecutive basis. (4-11-06)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **178. STANDARD CONTENTS OF PERMITS ESTABLISHING A FACILITY EMISSIONS CAP.**

In addition to the elements required by Sections 203 and 211 or Sections 403 and 405, whichever is applicable, the Department shall have the authority to impose, implement and enforce the terms in Subsections 178.01 through 178.05 and conditions establishing a FEC. (4-11-06)

**01. Emission Limitations and Standards.** All permits establishing use of a FEC shall contain annual facility wide emissions limitations for each FEC pollutant. (4-11-06)

**02. Monitoring.** All permits establishing a FEC shall contain sufficient monitoring to ensure compliance with the FEC on a rolling twelve (12) month consecutive basis. (4-11-06)

**03. Recordkeeping.** All permits establishing a FEC shall include the following: (4-11-06)

**a.** Sufficient recordkeeping to assure compliance with the FEC. (4-11-06)

**b.** Retention of required monitoring records and support information for a period of at least five (5) years from the date of the monitoring sample, measurement, report or application. Supporting information includes, but is not limited to, calibration and maintenance records and original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by the permit. (4-11-06)

**04. Reporting.** All permits establishing a FEC shall include the following: (4-11-06)

**a.** Sufficient reporting to assure compliance with the permit establishing the FEC. (4-11-06)

**b.** Submittal of an annual report each year on or before the anniversary date of permit issuance. All required reports must be certified in accordance with Section 123. (4-11-06)

**05. Duration.** Each permit establishing a FEC shall state that the terms and conditions establishing the FEC are effective for a fixed term of five (5) years. (4-11-06)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **179. PROCEDURES FOR ISSUING PERMITS ESTABLISHING A FACILITY EMISSIONS CAP.**

**01. General Procedures.** Procedures for issuing permits establishing a FEC will follow Sections 209 or 404, whichever is applicable. (4-11-06)

**02. Renewal.** The renewal of the terms and conditions establishing a FEC are subject to the same procedural requirements for issuing permits (Subsection 179.01) and Subsections 179.02.a. through 179.02.d.: (4-11-06)

**a.** The permittee shall submit a complete application to the Department for a renewal of the terms and conditions establishing the FEC at least six (6) months before, but no earlier than eighteen (18) months before, the expiration date of the existing permit. To ensure that the term of the permit does not expire before the terms and conditions are renewed, the permittee is encouraged to submit the application nine (9) months prior to expiration. (4-11-06)

**b.** If a timely and complete application for a renewal of the terms and conditions establishing the FEC is submitted, but the Department fails to issue or deny the renewal permit before the end of the term of the previous permit, then all the terms and conditions of the previous permit shall remain in effect until the renewal permit has been issued or denied. (4-11-06)

**c.** Expiration of the terms and conditions establishing a FEC may be grounds to terminate the facility's right to operate pursuant to Sections 176 through 181, unless a timely and complete renewal application has been submitted. (4-11-06)

**d.** On renewal, the Department may adjust a FEC with an unused growth component in accordance with the Idaho Environmental Protection and Health Act, Chapter 1, Title 39, Idaho Code, and these rules. (4-11-06)

**03. Reopening the FEC.** The Department may reopen a FEC to: (4-11-06)

**a.** Reduce the FEC to reflect newly applicable federal requirements (for example, NSPS) with compliance dates after the issuance of the permit establishing the FEC. (4-11-06)

**b.** Reduce the FEC consistent with any other requirement that is enforceable as a practical matter, and that the state may impose on the facility under the Idaho Environmental Protection and Health Act, Chapter 1, Title 39, Idaho Code, and these rules. (4-11-06)

**04. FEC Termination.** The Director may approve a revision of a permit establishing a FEC to terminate the FEC, provided the permittee complies with Subsections 209.04 or 404.04, as applicable, and Subsections 179.04.a. through 179.04.c.: (4-11-06)

a. The permittee may request a revision of the permit establishing the FEC to terminate the FEC at anytime prior to the expiration of the permit. The permittee is encouraged to submit an application for a permit to construct or Tier I operating permit, as applicable, six (6) months prior to the time the permittee wishes to terminate the FEC. (4-11-06)

b. The FEC established in the permit shall remain in effect until the Department issues a new permit to construct or Tier I operating permit, as applicable. (4-11-06)

c. Nothing in Section 179 prohibits a permittee from requesting a permit revision to terminate the FEC during the permit renewal process. (4-11-06)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **180. REVISIONS TO PERMITS ESTABLISHING A FACILITY EMISSIONS CAP.**

Section 180 requires revisions to terms and conditions establishing a FEC. The permittee is exempt from Sections 200 through 228 unless the permittee chooses to use those rules to process any change to the permit, except as provided in Subsection 180.02. (4-11-06)

**01. Criteria.** A permit revision is required for the following: (4-11-06)

a. A change to existing monitoring, reporting or recordkeeping requirements in the permit establishing the FEC; (4-11-06)

b. A change to the FEC; or (4-11-06)

c. A change to the facility that would impose new requirements not included in the permit establishing the FEC. (4-11-06)

**02. Permit Revision Application Procedures.** A permittee may initiate a permit revision by submitting a permit revision application to the Department or by complying with other applicable sections (Sections 200 or 400). For revision of terms and conditions establishing the FEC, it is presumed that the previous permitting analysis is satisfactory unless the Department determines otherwise. A permit revision application shall: (4-11-06)

a. Meet the standard application requirements of Section 177; (4-11-06)

b. Describe the proposed permit revision; (4-11-06)

c. Describe and quantify the change in emissions above the FEC permit limit; and (4-11-06)

d. Identify new requirements resulting from the change. (4-11-06)

**03. Permit Revisions.** The Department will process permit revisions pursuant to Section 209 or Section 404.

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **181. NOTICE AND RECORD-KEEPING OF ESTIMATES OF AMBIENT CONCENTRATIONS.**

Section 181 authorizes facility changes that comply with the terms and conditions establishing the FEC, but that are not included in the estimate of ambient concentration analysis approved for the permit establishing the FEC. No permit revision shall be required for facility changes implemented in accordance with Section 181. (4-11-06)

**01. Notice.** For facility changes that comply with the terms and conditions establishing the FEC, but are not included in the estimate of ambient concentration analysis approved for the permit establishing the FEC, the permittee shall review the estimate of ambient concentration analysis. (4-11-06)

**a.** In the event that the facility change would result in a significant contribution above the design concentration determined by the estimate of ambient concentration analysis approved for the permit establishing the FEC, but does not cause or significantly contribute to a violation to any ambient air quality standard, the permittee shall provide notice to the Department in accordance with Subsection 181.01.b. (4-11-06)

**b.** Notice procedures. The permittee may make a facility change under Section 181 if the permittee provides written notification to the Department so that the notification is received at least seven (7) days in advance of the proposed change or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed change. For each such change, the written notification shall: (4-11-06)

- i. Describe the proposed change; (4-11-06)
- ii. Describe and quantify expected emissions; and (4-11-06)
- iii. Provide the estimated ambient concentration analysis. (4-11-06)

**02. Recordkeeping.** For facility changes that comply with the terms and conditions establishing the FEC, but are not included in the estimate of ambient concentration analysis approved for the permit establishing the FEC, the permittee shall review the estimate of ambient concentration analysis. In the event the facility change would not result in a significant contribution above the design concentration determined by the estimate of ambient concentration analysis approved for the permit establishing the FEC, the permittee shall record and maintain documentation on-site of the review. (4-11-06)



**03. Estimates of Ambient Concentrations.** Estimates of ambient concentrations shall be determined during the term of this permit using the same model and model parameters as used with the estimate of ambient concentration analysis approved for the permit establishing the FEC. The permittee shall include any changes to the facility that are not included in the originally approved estimate of ambient concentration analysis. (4-11-15)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **200. PROCEDURES AND REQUIREMENTS FOR PERMITS TO CONSTRUCT.**

The purposes of Sections 200 through 228 is to establish uniform procedures and requirements for the issuance of “Permits to Construct.” As used throughout Sections 200 through 228 and 578 through 581, major facility shall be defined as major stationary source in 40 CFR 52.21(b) and 40 CFR 51.165, incorporated by reference into these rules at Section 107, and major modification shall be defined as in 40 CFR 52.21(b) and 40 CFR 51.165, incorporated by reference into these rules at Section 107. These CFR sections have been codified in the electronic CFR which is available at [www.ecfr.gov](http://www.ecfr.gov). (3-25-16)

*EPA Approval: 5/12/2017, 82 FR 22083; EPA Effective: 7/11/2017*

## **201. PERMIT TO CONSTRUCT REQUIRED.**

No owner or operator may commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining a permit to construct from the Department which satisfies the requirements of Sections 200 through 228 unless the source is exempted in any of Sections 220 through 223, or the owner or operator complies with Section 213 and obtains the required permit to construct, or the owner or operator complies with Sections 175 through 181, or the source operates in accordance with all of the applicable provisions of a permit by rule. (4-11-06)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **202. APPLICATION PROCEDURES.**

Application for a permit to construct must be made using forms furnished by the Department, or by other means prescribed by the Department. The application shall be certified by the responsible official in accordance with Section 123 and shall be accompanied by all information necessary to perform any analysis or make any determination required under Sections 200 through 228. (7-1-02)

**01. Required Information.** Depending upon the proposed size and location of the new or modified stationary source or facility, the application for a permit to construct shall include all of the information required by one or more of the following provisions: (5-1-94)

- a.** For any new or modified stationary source or facility: (5-1-94)
  - i. Site information, plans, descriptions, specifications, and drawings showing the design of the stationary source, facility, or modification, the nature and amount of emissions (including secondary emissions), and the manner in which it will be operated and controlled. (5-1-94)
  - ii. A schedule for construction of the stationary source, facility, or modification. (5-1-94)
- b.** For any new major facility or major modification in a nonattainment area which would be major for the nonattainment regulated air pollutant(s): (4-5-00)
  - i. A description of the system of continuous emission control proposed for the new major facility or major modification, emission estimates, and other information as necessary to determine that the lowest achievable emission rate would be applied. (5-1-94)
  - ii. A description of the emission offsets proposed for the new major facility or major modification, including information on the stationary sources, mobile sources, or facilities providing the offsets, emission estimates, and other information necessary to determine that a net air quality benefit would result. (4-5-00)
  - iii. Certification that all other facilities in Idaho, owned or operated by (or under common ownership of) the proposed new major facility or major modification, are in compliance with all local, state or federal requirements or are on a schedule for compliance with such. (5-1-94)
  - iv. An analysis of alternative sites, sizes, production processes, and environmental control techniques which demonstrates that the benefits of the proposed major facility or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. (5-1-94)
  - v. An analysis of the impairment to visibility of any federal Class I area, Class I area designated by the Department, or integral vista of any mandatory federal Class I area that the new major facility or major modification would impact (including the monitoring of visibility in any Class I area near the new major facility or major modification, if requested by the Department). (4-6-05)
- c.** For any new major facility or major modification in an attainment or unclassifiable area for any regulated air pollutant. (4-6-05)
  - i. A description of the system of continuous emission control proposed for the new major facility or major modification, emission estimates, and other information as necessary to determine that the best available control technology would be applied.

(5-1-94)

ii. An analysis of the effect on air quality by the new major facility or major modification, including meteorological and topographical data necessary to estimate such effects. (5-1-94)

iii. An analysis of the effect on air quality projected for the area as a result of general commercial, residential, industrial, and other growth associated with the new major facility or major modification. (5-1-94)

iv. A description of the nature, extent, and air quality effects of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the new major facility or major modification would affect. (5-1-94)

v. An analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the new major facility or major modification and general commercial, residential, industrial, and other growth associated with establishment of the new major facility or major modification. The owner or operator need not provide an analysis of the impact on vegetation or soils having no significant commercial or recreational value. (5-1-94)

vi. An analysis of the impairment to visibility of any federal Class I area, Class I area designated by the Department, or integral vista of any mandatory federal Class I area that the new major facility or major modification would affect. (5-1-94)

vii. An analysis of the existing ambient air quality in the area that the new major facility or major modification would affect for each regulated air pollutant that a new major facility would emit in significant amounts or for which a major modification would result in a significant net emissions increase. (4-5-00)

viii. Ambient analyses as specified in Subsections 202.01c.vii., 202.01c.ix., 202.01c.x., and 202.01c.xii., may not be required if the projected increases in ambient concentrations or existing ambient concentrations of a particular regulated air pollutant in any area that the new major facility or major modification would affect are less than the amounts listed under 40 CFR 52.21(i)(5)(i), or the regulated air pollutant is not listed therein. (4-11-15)

ix. For any regulated air pollutant which has an ambient air quality standard, the analysis shall include continuous air monitoring data, gathered over the year preceding the submittal of the application, unless the Department determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year, but not less than four (4) months, which is adequate for determining whether the emissions of that regulated air pollutant would

cause or contribute to a violation of the ambient air quality standard or any prevention of significant deterioration (PSD) increment. (4-5-00)

x. For any regulated air pollutant which does not have an ambient air quality standard, the analysis shall contain such air quality monitoring data that the Department determines is necessary to assess ambient air quality for that air pollutant in any area that the emissions of that air pollutant would affect. (4-5-00)

xi. If requested by the Department, monitoring of visibility in any Class I area the proposed new major facility or major modification would affect. (5-1-94)

xii. Operation of monitoring stations shall meet the requirements of Appendix B to 40 CFR Part 58 or such other requirements as extensive as those set forth in Appendix B as may be approved by the Department. (5-1-94)

**02. Estimates Of Ambient Concentrations.** All estimates of ambient concentrations shall be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR 51, Appendix W (Guideline on Air Quality Models). (4-5-00)

a. Where an air quality model specified in the "Guideline on Air Quality Models", is inappropriate, the model may be modified or another model substituted, subject to written approval of the Administrator of the U.S. Environmental Protection Agency and public comment pursuant to Subsection 209.01.c.; provided that modifications and substitutions of models used for toxic air pollutants will be reviewed by the Department. (4-5-00)

b. Methods like those outlined in the U.S. Environmental Protection Agency's "Interim Procedures for Evaluating Air Quality Models (Revised)" (September 1984) should be used to determine the comparability of air quality models. (5-1-94)

**03. Additional Information.** Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 200 through 225 shall be furnished upon request. (5-1-94)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **203. PERMIT REQUIREMENTS FOR NEW AND MODIFIED STATIONARY SOURCES.**

No permit to construct shall be granted for a new or modified stationary source unless the applicant shows to the satisfaction of the Department all of the following: (5-1-94)

**01. Emission Standards.** The stationary source or modification would comply with all applicable local, state or federal emission standards. (5-1-94)

**02. NAAQS.** The stationary source or modification would not cause or significantly contribute to a violation of any ambient air quality standard. (5-1-94)

## **204. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN NONATTAINMENT AREAS.**

New major facilities or major modifications proposed for location in a nonattainment area and which would be major for the nonattainment regulated air pollutant are considered nonattainment new source review (NSR) actions and are subject to the requirements in Section 204. Section 202 contains application requirements and Section 209 contains processing requirements for nonattainment NSR permitting actions. The intent of Section 204 is to incorporate the federal nonattainment NSR rule requirements. (4-6-05)

**01. Incorporated Federal Program Requirements.** Requirements contained in the following subparts of 40 CFR 51.165 are incorporated by reference into these rules at Section 107. Requirements contained in the following subparts of 40 CFR 52.21, are incorporated by reference at Section 107 of these rules. These CFR sections have been codified in the electronic CFR which is available at [www.ecfr.gov](http://www.ecfr.gov).

| <b>40 CFR Reference</b>                | <b>40 CFR Reference Title</b> |
|--|-------------------------------|
| 40 CFR 51.165(a)(1)                    | Definitions                   |
| 40 CFR 51.165(a)(2)(ii) - 51.165(a)(3) | Applicability Provisions      |
| 40 CFR 51.165(a)(6)(i) - (v)           | Applicability Provisions      |
| 40 CFR 52.21(aa)                       | Actual PALs                   |

(4-2-08)

**02. Additional Requirements.** The applicant must demonstrate to the satisfaction of the Department the following: (4-6-05)

**a. LAER.** Except as otherwise provided in Section 204, the new major facility or major modification would be operated at the lowest achievable emission rate (LAER) for the nonattainment regulated air pollutant, specifically: (4-6-05)

i. A new major facility would meet the lowest achievable emission rate at each new emissions unit which emits the nonattainment regulated air pollutant; and (4-5-00)

ii. A major modification would meet the lowest achievable emission rate at each new or modified emissions unit which has a net emissions increase of the nonattainment regulated air pollutant. (4-5-00)

**b. Required offsets.** Allowable emissions from the new major facility or major modification are offset by reductions in actual emissions from stationary sources, facilities, and/or mobile sources in the nonattainment area so as to represent reasonable further progress. All offsetting emission reductions must satisfy the requirements for emission reduction credits (Section 460) and provide for a net air quality benefit which satisfies the requirements of Section 208. If the offsets are provided by other stationary sources or facilities, a permit to construct shall not be issued for the new major facility or major modification until the offsetting reductions are made enforceable through the issuance of operating permits. The new major facility or major modification may not commence operation, and an operating permit for the new major facility or major modification shall not be effective before the date the offsetting reductions are achieved. (4-5-00)

**c. Compliance status.** All other sources in the State owned or operated by the applicant, or by any entity controlling, controlled by or under common control with such person, are in compliance with all applicable emission limitations and standards or subject to an enforceable compliance schedule. (5-1-94)

**d. Effect on visibility.** The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory Class I Federal Area, by the new major facility or major modification is consistent with making reasonable progress toward remedying existing and preventing future visibility impairment. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a), may be exempted from Section 204 by the Department. (3-30-07)

**03. Nonmajor Requirements.** If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 51.165 or 40 CFR 52.21 incorporated in Section 204, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. (4-6-05)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **.205. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIABLE AREAS.**

The prevention of significant deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities located in areas in attainment or in areas that are unclassifiable for any criteria air pollutant. Section 202 contains application requirements and Section 209 contains processing requirements for PSD permit actions. The intent of Section 205 is to incorporate the federal PSD rule requirements. (4-6-05)

**01. Incorporated Federal Program Requirements.** Requirements contained in the following subparts of 40 CFR 52.21 are incorporated by reference into these rules at Section 107. These CFR sections have been codified in the electronic CFR which is available at

| 40 CFR Reference   | 40 CFR Reference Title  |
|--------------------|---|
| 40 CFR 52.21(a)(2) | Applicability Procedures  |
| 40 CFR 52.21(b)    | Definitions   |
| 40 CFR 52.21(i)    | Review of Major Stationary Sources and Major Modifications - Source Applicability and Exempting |
| 40 CFR 52.21(j)    | Control Technology Review   |
| 40 CFR 52.21(k)    | Source Impact Analysis  |
| 40 CFR 52.21(r)    | Source Obligation   |
| 40 CFR 52.21(v)    | Innovative Control Technology   |
| 40 CFR 52.21(w)    | Permit Rescission   |
| 40 CFR 52.21(aa)   | Actual PALS   |

(4-2-08)

**02. Effect on Visibility.** The applicant must demonstrate that the effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory Class I Federal Area, by the new major facility or major modification, is consistent with making reasonable progress toward the national visibility goal referred to in 40 CFR 51.300(a). The Department may take into account the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance and the useful life of the source. Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR 51.304(a), may be exempted from this requirement by the Department. (3-30-07)

**03. Exception to Incorporation by Reference of 40 CFR 52.21.** Every use of the word Administrator in 40 CFR 52.21 means the Department except for the following: (4-6-05)

- a.** In 40 CFR 52.21(b)(17), the definition of federally enforceable, Administrator means the EPA Administrator. (4-6-05)
- b.** In 40 CFR 52.21(l)(2), air quality models, Administrator means the EPA Administrator. (4-6-05)

c. In 40 CFR 52.21(b)(43), permit program approved by the Administrator, Administrator means the EPA Administrator. (4-6-05)

d. In 40 CFR 52.21(b)(48)(ii)(c), MACT standard that is proposed or promulgated by the Administrator, Administrator means the EPA Administrator. (4-6-05)

e. In 40 CFR 52.21(b)(50)(i), regulated NSR pollutant as defined by Administrator, Administrator means the EPA Administrator. (4-6-05)

**04. Nonmajor Requirements.** If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 52.21 incorporated in Section 205, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. (4-6-05)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **206. OPTIONAL OFFSETS FOR PERMITS TO CONSTRUCT.**

The owner or operator of any proposed new or modified stationary source, new major facility, or major modification, which cannot meet the requirements of Subsections 202.01.c.vi., 203.02, 203.03, 204.02.d., 205.01 (40 CFR 52.21(k)), and 209.02.b.vi., may propose the use of an emission offset in order to meet those requirements and thereby obtain a permit to construct. Any proposed emission offset must satisfy the requirements for emission reduction credits, Section 460, and demonstrate, through appropriate dispersion modeling, that the offset will reduce ambient concentrations sufficiently to meet the requirements at all modeled receptors which could not otherwise have met the requirements. (4-6-05)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **207. REQUIREMENTS FOR EMISSION REDUCTION CREDIT.**

In order to be credited in a permit to construct, any emission reduction credit must satisfy the requirements of Section 460. (5-1-94)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **208. DEMONSTRATION OF NET AIR QUALITY BENEFIT.**

The demonstration of net air quality benefit shall: (5-1-94)

**01. VOCs.** For trades involving volatile organic compounds, show that total emissions are reduced for the air basin in which the stationary source or facility is located; (5-1-94)

**02. Other Regulated Air Pollutants.** For trades involving any other regulated air pollutant, show through appropriate dispersion modeling that the trade will not cause an increase in ambient concentrations at any modeled receptor; (4-5-00)



**03. Mobile Sources.** For trades involving mobile sources, show a reduction in the ambient impact of emissions upon air quality by obtaining sufficient emission reductions to, at a minimum, compensate for adverse ambient impact where the major facility or major modification would otherwise cause or significantly contribute to a violation of any national ambient air quality standard. (4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **209. PROCEDURE FOR ISSUING PERMITS.**

**01. General Procedures.** General procedures for permits to construct. (5-1-94)

**a.** Within thirty (30) days after receipt of the application for a permit to construct, the Department shall determine whether the application is complete or whether more information must be submitted and shall notify the applicant of its findings in writing. (5-1-94)

**b.** Within sixty (60) days after the application is determined to be complete the Department shall: (5-1-94)

i. Upon written request of the applicant, provide a draft permit for applicant review. Agency action on the permit under this Section may be delayed if deemed necessary to respond to applicant comments. (4-5-00)

ii. Notify the applicant in writing of the approval, conditional approval, or denial of the application if an opportunity for public comment is not required pursuant to Subsection 209.01.c. The Department shall set forth reasons for any denial; or (5-1-94)

iii. Issue a proposed approval, proposed conditional approval, or proposed denial. (5-1-94)

**c.** An opportunity for public comment will be provided on all applications requiring a permit to construct. Public comment shall be provided on an application for any new major facility or major modification, any new facility or modification which would affect any Class I area, any application which uses fluid modeling or a field study to establish a good engineering practice stack height pursuant to Sections 510 through 516, any application which uses an interpollutant trade pursuant to Subsection 210.17, any application which the Director determines an opportunity for public comment should be provided, and any application upon which the applicant so requests. (5-3-03)

i. The Department's proposed action, together with the information submitted by the applicant and the Department's analysis of the information, shall be made available to the public in at least one (1) location in the region in which the stationary source or facility is to be located. (5-1-94)

- ii. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located. (5-1-94)
- iii. A copy of such notice shall be sent to the applicant and to appropriate federal, state and local agencies. (5-1-94)
- iv. There shall be a thirty (30) day period after initial publication for comment on the Department's proposed action, such comment to be made in writing to the Department. (5-1-94)
- v. After consideration of comments and any additional information submitted during the comment period, and within forty-five (45) days after initial publication of the notice, or notice of public hearing if one is requested under Subsections 209.02.b.iv. or 209.02.a.ii., unless the Director deems that additional time is required to evaluate comments and information received, the Department shall notify the applicant in writing of approval, conditional approval, or denial of the permit. The Department shall set forth the reasons for any denial. (5-1-94)
- vi. All comments and additional information received during the comment period, together with the Department's final determination, shall be made available to the public at the same location as the preliminary determination. (5-1-94)
- d. A copy of each permit will be sent to the U.S. Environmental Protection Agency. (5-1-94)

**02. Additional Procedures For Specified Sources. (5-1-94)**

- a. For any new major facility or major modification in an attainment or unclassifiable area for any regulated air pollutant. (4-6-05)
  - i. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the degree of increment consumption that is expected from the new major facility or major modification; and (5-1-94)
  - ii. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effects of the new major facility or major modification, alternatives to it, the control technology required, and other appropriate considerations. All requests for public hearings during a comment period with an opportunity for a hearing must be requested in writing by interested persons within fourteen (14) days of the publication of the legal notice of the proposed permit to construct or within fourteen (14) days prior to the end of the comment period,

whichever is later. (3-23-98)

**b.** For any new major facility or major modification which would affect a federal Class I area or an integral vista of a mandatory federal Class I area. (5-1-94)

i. If the Department is notified of the intent to apply for a permit to construct, it shall notify the appropriate Federal Land Manager within thirty (30) days; (5-1-94)

ii. A copy of the permit application and all relevant information, including an analysis of the anticipated effects on visibility in any federal Class I area, shall be sent to the Administrator of the U.S. Environmental Protection Agency and the Federal Land Manager within thirty (30) days of receipt of a complete application and at least sixty (60) days prior to any public hearing on the application; (5-1-94)

iii. Notice of every action related to the consideration of the permit shall be sent to the Administrator of the U.S. Environmental Protection Agency; (5-1-94)

iv. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effect of the new major facility or major modification, alternatives to it, the control technology required, and other appropriate considerations. All requests for public hearings during a comment period with an opportunity for a hearing must be requested in writing by interested persons within fourteen (14) days of the publication of the legal notice of the proposed permit to construct or within fourteen (14) days prior to the end of the comment period, whichever is later. (3-23-98)

v. The notice of public hearing, if required, shall explain any differences between the Department's preliminary determination and any visibility analysis performed by the Federal Land Manager and provided to the Department within thirty (30) days of the notification pursuant to Subsection 209.02.b.ii. (5-1-94)

vi. Upon a sufficient showing by the Federal Land Manager that a proposed new major facility or major modification will have an adverse impact upon the air quality related values (including visibility) of any federal mandatory Class I area, the Director may deny the application notwithstanding the fact that the concentrations of regulated air pollutants would not exceed the maximum allowable increases for a Class I area. (4-5-00)

**03. Establishing A Good Engineering Stack Height.** The Department will notify the public of the availability of any fluid model or field study used to establish a good engineering practice stack height and provide an opportunity for a public hearing before issuing a permit or setting an emission standard based thereon. (5-1-94)

**04. Revisions of Permits to Construct.** The Director may approve a revision of any permit to construct provided the stationary source or facility continues to meet all applicable requirements of Sections 200 through 228. Revised permits will be issued pursuant to procedures for issuing permits (Section 209), except that the requirements of Subsections 209.01.c., 209.02.a., and 209.02.b., shall only apply if the permit revision results in an increase in emissions authorized by the permit or if deemed appropriate by the Director. (7-1-02)

**05. Permit To Construct Procedures For Tier I Sources.** For Tier I sources that require a permit to construct, the owner or operator shall either: (5-1-94)

**a.** Submit only the information required by Sections 200 through 219 for a permit to construct, in which case: (3-23-98)

i. A permit to construct or denial will be issued in accordance with Subsections 209.01.a. and 209.01.b. (5-1-94)

ii. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c. (3-23-98)

iii. The owner or operator may operate the source after permit to construct issuance so long as it does not violate any terms or conditions of the existing Tier I operating permit and complies with Subsection 380.02. (4-5-00)

iv. Unless a different time is prescribed by these rules, the applicable requirements contained in a permit to construct will be incorporated into the Tier I operating permit during renewal (Section 369). Where an existing Tier I permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation. Tier I sources required to meet the requirements under Section 112(g) of the Clean Air Act (Section 214), or to have a permit under the preconstruction review program approved into the applicable implementation plan under Part C (Section 205) or Part D (Section 204) of Title I of the Clean Air Act, shall file a complete application to obtain a Tier I permit revision within twelve (12) months after commencing operation. (4-11-06)

v. The application or minor or significant permit modification request shall be processed in accordance with timelines: Section 361 and Subsections 367.02 through 367.05. (3-19-99)

vi. The final Tier I operating permit action shall incorporate the relevant terms and conditions from the permit to construct; or (4-5-00)

**b.** Submit all information required by Sections 200 through 219 for a permit to construct and Sections 300 through 386 for a Tier I operating permit, or Tier I operating permit modification, in which case: (4-5-00)

- i. Completeness of the application shall be determined within thirty (30) days. (5-1-94)
  - ii. The Department shall prepare a proposed permit to construct or denial in accordance with Sections 200 through 219 and a draft Tier I operating permit or Tier I operating permit modification in accordance with Sections 300 through 386 within sixty (60) days. (4-5-00)
  - iii. The Department shall provide for public comment and affected state review in accordance with Sections 209, 364 and 365 on the proposed permit to construct or denial and draft Tier I operating permit or Tier I operating permit modification. (4-5-00)
  - iv. Except as otherwise provided by these rules, the Department shall prepare and issue to the owner or operator a final permit to construct or denial within fifteen (15) days of the close of the public comment period. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c. (4-5-00)
  - v. The final permit to construct will be sent to EPA, along with the proposed Tier I operating permit or modification. The proposed Tier I operating permit or modification shall be sent for review in accordance with Section 366. (4-5-00)
  - vi. The Tier I operating permit, or Tier I operating permit modification, will be issued in accordance with Section 367. The owner or operator may operate the source after permit to construct issuance so long as it does not violate any terms or conditions of the existing Tier I operating permit and complies with Subsection 380.02; or (4-5-00)
- c. Submit all information required by Sections 200 through 219 for a permit to construct and Sections 300 through 381 for a Tier I operating permit, or Tier I operating permit modification, in which case: (4-5-00)
- i. Completeness of the application shall be determined within thirty (30) days. (4-5-00)
  - ii. The Department shall prepare a draft permit to construct or denial in accordance with Sections 200 through 219 and that also meets the requirements of Sections 300 through 381 within sixty (60) days. (4-5-00)
  - iii. The Department shall provide for public comment and affected state review in accordance with Sections 209, 364, and 365 on the draft permit to construct or denial. (4-5-00)

iv. The Department shall prepare and send a proposed permit to construct or denial to EPA for review in accordance with Section 366. EPA review of the proposed permit to construct or denial in accordance with Section 366 can occur concurrently with public comment and affected state review of the draft permit, as provided in Subsection 209.05.c.iii. above, except that if the draft permit or denial is revised in response to public comment or affected state review, the Department must send the revised proposed permit to construct or denial to EPA for review in accordance with Section 366. (4-5-00)

v. Except as otherwise provided by these rules, the Department shall prepare and issue to the owner or operator a final permit to construct or denial in accordance with Section 367. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c. (4-5-00)

vi. The permittee may, at any time after issuance, request that the permit to construct requirements be incorporated into the Tier I operating permit through an administrative amendment in accordance with Section 381. The owner or operator may operate the source or modification upon submittal of the request for an administrative amendment. (4-5-00)

**06. Transfer of Permits to Construct. (4-11-06)**

**a. Transfers by Revision.** A permit to construct may be transferred to a new owner or operator in accordance with Subsection 209.04. (4-11-06)

**b. Automatic Transfers.** Any permit to construct, with or without transfer prohibition language, may be automatically transferred if: (4-11-06)

i. The current permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date; (4-11-06)

ii. The notice provides written documentation signed by the current and proposed permittees containing a date for transfer of permit responsibility, designation of the proposed permittee's responsible official, and certification that the proposed permittee has reviewed and intends to operate in accordance with the permit terms and conditions; and (4-11-06)

iii. The Department does not notify the current permittee and the proposed permittee within thirty (30) days of receipt of the notice of the Department's determination that the permit must be revised pursuant to Subsection 209.04. If the Department does not issue such notice, the transfer is effective on the date provided in the notice described in Subsection 209.06.b.ii. (4-11-06)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **211. CONDITIONS FOR PERMITS TO CONSTRUCT.**

**01. Reasonable Conditions.** The Department may impose any reasonable conditions upon an approval, including conditions requiring the stationary source or facility to be provided with: (5-1-94)

- a. Sampling ports of a size, number, and location as the Department may require; (5-1-94)
- b. Safe access to each port; (5-1-94)
- c. Instrumentation to monitor and record emissions data; (5-1-94)
- d. Instrumentation for ambient monitoring to determine the effect emissions from the stationary source or facility may have, or are having, on the air quality in any area affected by the stationary source or facility; and (5-1-94)
- e. Any other sampling and testing facilities as may be deemed reasonably necessary. (5-1-94)

**02. Cancellation.** The Department may cancel a permit to construct if the construction is not begun within two (2) years from the date of issuance, or if during the construction, work is suspended for one (1) year. (5-1-94)

**03. Notification To The Department.** Any owner or operator of a stationary source or facility subject to a permit to construct shall furnish the Department written notifications as follows: (5-1-94)

- a. A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty (60) days or less than thirty (30) days prior to such date; and (5-1-94)
- b. A notification of the actual date of initial start-up of the stationary source or facility within fifteen (15) days after such date. (5-1-94)

**04. Performance Test.** Within sixty (60) days after achieving the maximum production rate at which the stationary source or facility will be operated but not later than one hundred eighty (180) days after initial start-up of such stationary source or facility, the owner or operator of such stationary source or facility may be required to conduct a performance test in accordance with methods and under operating conditions approved by the Department and furnish the Department a written report of the results of such performance test. (5-1-94)

- a. Such test shall be at the expense of the owner or operator. (5-1-94)
- b. The Department may monitor such test and may also conduct performance tests. (5-1-94)

- c. The owner or operator of a stationary source or facility shall provide the Department fifteen (15) days prior notice of the performance test to afford the Department the opportunity to have an observer present. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **212. OBLIGATION TO COMPLY.**

**01. Responsibility To Comply With All Requirements.** Receiving a permit to construct shall not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal statutes, rules and regulations. (5-1-94)

**02. Relaxation Of Standards Or Restrictions.** At such time that a particular facility or modification becomes a major facility or major modification solely by virtue of a relaxation in any enforceable emission standard or restriction on the operating rate, hours of operation or on the type or amount of material combusted, stored or processed, which was used to exempt the facility or modification from certain requirements for a permit to construct, the requirements for new major facilities or major modifications shall apply to the facility or modification as though construction had not yet commenced. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **213. PRE-PERMIT CONSTRUCTION.**

This section describes how owners or operators may commence construction or modification of certain stationary sources before obtaining the required permit to construct. (3-23-98)

**01. Pre-Permit Construction Eligibility.** Pre-permit construction approval is available for non-major sources and non-major modifications and for new sources or modifications proposed in accordance with Subsection 213.01.d. Pre-permit construction is not available for any new source or modification that: uses emissions netting to stay below major source levels; uses optional offsets pursuant to Section 206; or would have an adverse impact on the air quality related values of any Class I area. Owners or operators may ask the Department for the ability to commence construction or modification of qualifying sources under Section 213 before receiving the required permit to construct. To obtain the Department's pre-permit construction approval, the owner or operator shall satisfy the following requirements: (4-5-00)

- a. The owner or operator shall apply for a permit to construct in accordance with Subsections 202.01.a., 202.02, and 202.03 of this chapter. (3-23-98)
- b. The owner or operator shall consult with Department representatives prior to submitting a pre-permit construction approval application. (3-23-98)
- c. The owner or operator shall submit a pre-permit construction approval application which must contain, but not be limited to: a letter requesting the ability to construct before obtaining the required permit to construct, a copy of the notice referenced in Subsection



213.02; proof of eligibility; process description(s); equipment list(s); proposed emission limits and modeled ambient concentrations for all regulated air pollutants and toxic air pollutants, such that they demonstrate compliance with all applicable air quality rules and regulations. The models shall be conducted in accordance with Subsection 202.02 and with written Department approved protocol and submitted with sufficient detail so that modeling can be duplicated by the Department. (4-11-06)

**d.** Owners or operators seeking limitations on a source's potential to emit such that permitted emissions will be either below major source levels or below a significant increase must describe in detail in the pre-permit construction application the proposed restrictions and certify in accordance with Section 123 that they will comply with the restrictions, including any applicable monitoring and reporting requirements. (3-23-98)

**02. Permit To Construct Procedures For Pre-Permit Construction. (3-23-98)**

**a.** Within ten (10) days after the submittal of the pre-permit construction approval application, the owner or operator shall hold an informational meeting in at least one (1) location in the region in which the stationary source or facility is to be located. The informational meeting shall be made known by notice published at least ten (10) days before the meeting in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located. A copy of such notice shall be included in the application. (3-23-98)

**b.** Within fifteen (15) days after the receipt of the pre-permit construction approval application, the Department shall notify the owner or operator in writing of pre-permit construction approval or denial. The Department may deny the pre-permit construction approval application for any reason it deems valid. (3-23-98)

**c.** Upon receipt of the pre-permit construction approval letter issued by the Department, the owner or operator may begin construction at their own risk as identified in Subsection 213.02.d. Upon issuance of the pre-permit construction approval letter, any and all potential to emit limitations addressed in the pre-permit construction application pursuant to Subsection 213.01.d. shall become enforceable. The owner or operator shall not operate those emissions units subject to permit to construct requirements in accordance with Section 200 unless and until issued a permit pursuant to Section 209. (5-3-03)

**d.** If the pre-permit construction approval application is determined incomplete or the permit to construct is denied, the Department shall issue an incompleteness or denial letter pursuant to Section 209. If the Department denies the permit to construct, then the owner or operator shall have violated Section 201 on the date it commenced construction as defined in Section 006. The owner or operator shall not contest the final permit to construct decision based on the fact that they have already begun construction. (3-23-98)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **220. GENERAL EXEMPTION CRITERIA FOR PERMIT TO CONSTRUCT EXEMPTIONS.**

**01. General Exemption Criteria.** Sections 220 through 223 may be used by owners or operators to exempt certain sources from the requirement to obtain a permit to construct. Nothing in these sections shall preclude an owner or operator from choosing to obtain a permit to construct. For purposes of Sections 220 through 223, the term source means the equipment or activity being exempted. For purposes of Sections 220 through 223, fugitive emissions shall not be considered in determining whether a source meets the applicable exemption criteria unless required by federal law. No permit to construct is required for a source that satisfies all of the following criteria, in addition to the criteria set forth at Sections 221 and 223 or 222 and 223 (as required): (4-4-13)

**a.** The maximum capacity of a source to emit an air pollutant under its physical and operational design without consideration of limitations on emission such as air pollution control equipment, restrictions on hours of operation and restrictions on the type and amount of material combusted, stored or processed would not: (4-5-00)

i. Equal or exceed one hundred (100) tons per year of any regulated air pollutant. (4-5-00)

ii. Cause an increase in the emissions of a major facility that equals or exceeds the significant emissions rates set out in the definition of significant at Section 006. (4-5-00)

**b.** Combination. The source is not part of a proposed new major facility or part of a proposed major modification. (4-5-00)

**02. Record Retention.** Unless the source is subject to and the owner or operator complies with Section 385, the owner or operator of the source, except for those sources listed in Subsections 222.02.a. through 222.02.g., shall maintain documentation on site which shall identify the exemption determined to apply to the source and verify that the source qualifies for the identified exemption. The records and documentation shall be kept for a period of time not less than five (5) years from the date the exemption determination has been made or for the life of the source for which the exemption has been determined to apply, which ever is greater, or until such time as a permit to construct or an operating permit is issued which covers the operation of the source. The owner or operator shall submit the documentation to the Department upon request. (4-5-00)  
*EPA Approval: 3/3/2014, 79 FR 11711; EPA Effective: 4/2/2014*

## **221. CATEGORY I EXEMPTION.**

No permit to construct is required for a source that satisfies the criteria set forth in Section 220 and the following: (4-5-00)

**01. Below Regulatory Concern.** The maximum capacity of a source to emit an air pollutant

under its physical and operational design considering limitations on emissions such as air pollution control equipment, restrictions on hours of operation and restrictions on the type and amount of material combusted, stored or processed shall be less than ten percent (10%) of the significant emission rates set out in the definition of significant at Section 006. (4-5-00)

**02. Radionuclides.** The source is not required to obtain approval to construct in accordance with the applicable radionuclides standard in 40 CFR Part 61, Subpart H. (4-11-19)

**03. Toxic Air Pollutants.** The source shall comply with Section 223. (4-5-00)

*EPA Approval: 11/19/2020, 85 FR 73632; EPA Effective: 12/21/2020*

## **222. CATEGORY II EXEMPTION.**

No permit to construct is required for the following sources. (4-5-00)

**01. Exempt Source.** A source that satisfies the criteria set forth in Section 220 and that is specified below: (4-5-00)

**a.** Laboratory equipment used exclusively for chemical and physical analyses, research or education, including, but not limited to, ventilating and exhaust systems for laboratory hoods. To qualify for this exemption, the source shall: (5-1-94)

i. Comply with Section 223. (4-5-00)

ii. Not be required to obtain approval to construct in accordance with the applicable radionuclides standard in 40 CFR Part 61, Subpart H. (4-11-19)

**b.** Environmental characterization activities including emplacement and operation of field instruments, drilling of sampling and monitoring wells, sampling activities, and environmental characterization activities. (4-5-00)

**c.** Stationary internal combustion engines of less than or equal to six hundred (600) horsepower and which are fueled by natural gas, propane gas, liquefied petroleum gas, distillate fuel oils, residual fuel oils, and diesel fuel; waste oil, gasoline, or refined gasoline shall not be used. To qualify for this exemption, the source must be operated in accordance with the following: (5-1-94)

i. One hundred (100) horsepower or less -- unlimited hours of operation. (5-1-94)

ii. One hundred one (101) to two hundred (200) horsepower -- less than four hundred fifty (450) hours per month. (5-1-94)

iii. Two hundred one (201) to four hundred (400) horsepower -- less than two hundred twenty-five (225) hours per month. (5-1-94)

iv. Four hundred one (401) to six hundred (600) horsepower -- less than one hundred fifty (150) hours per month. (5-1-94)

d. Stationary internal combustion engines used exclusively for emergency purposes which are operated less than five hundred (500) hours per year and are fueled by natural gas, propane gas, liquefied petroleum gas, distillate fuel oils, residual fuel oils, and diesel fuel; waste oil, gasoline, or refined gasoline shall not be used. (4-11-06)

e. A pilot plant that uses a slip stream from an existing process stream not to exceed ten percent (10%) of that existing process stream and which satisfies the following: (4-4-13)

i. The source shall comply with Section 223. For carcinogen emissions, the owner or operator may utilize a short term adjustment factor of ten (10) by multiplying either the acceptable ambient concentration or the screening emissions level, but not both, by ten (10). (4-5-00)

ii. Not be required to obtain approval to construct in accordance with the applicable radionuclides standard in 40 CFR Part 61, Subpart H. (4-11-19)

iii. The exemption for a pilot plant shall terminate one (1) year after the commencement of operations and shall not be renewed. (4-5-00)

**02. Other Exempt Sources.** A source that satisfies the criteria set forth in Section 220 and that is specified below: (4-5-00)

a. Air conditioning or ventilating equipment not designed to remove air pollutants generated by or released from equipment. (5-1-94)

b. Air pollutant detectors or recorders, combustion controllers, or combustion shutoffs. (5-1-94)

c. Fuel burning equipment for indirect heating and for heating and reheating furnaces using natural gas, propane gas, liquified petroleum gas, or biogas (gas produced by the anaerobic decomposition of organic material through a controlled process) with hydrogen sulfide concentrations less than two hundred (200) ppmv exclusively with a capacity of less than fifty (50) million btu's per hour input. (4-11-06)

d. Other fuel burning equipment for indirect heating with a capacity of less than one million (1,000,000) btu's per hour input. (5-1-94)

e. Mobile internal combustion engines, marine installations and locomotives. (5-1-94)

f. Agricultural activities and services. (5-1-94)

**g.** Retail gasoline, natural gas, propane gas, liquified petroleum gas, distillate fuel oils and diesel fuel sales. (5-1-94)

**h.** Used Oil Fired Space Heaters which comply with all the following requirements: (7-1-97)

i. The used oil fired space heater burns only used oil that the owner or operator generates on site, that is derived from households, such as used oil generated by individuals maintaining their personal vehicles, or on- specification used oil that is derived from commercial generators provided that the generator, transporter and owner or operator burning the oil for energy recovery comply fully with IDAPA 58.01.05.015, “Rules and Standards for Hazardous Waste”; (7-1-97)

(1) For the purposes of Subsection 222.02.h., “used oil” refers to any oil that has been refined from crude oil or any synthetic oil that has been used and, as a result of such use, is contaminated by physical or chemical impurities. (4-5-00)

(2) For the purposes of Subsection 222.02.h., “used oil fired space heater” refers to any furnace or apparatus and all appurtenances thereto, designed, constructed and used for combusting used oil for energy recovery to directly heat an enclosed space. (4-5-00)

ii. Any used oil burned is not contaminated by added toxic substances such as solvents, antifreeze or other household and industrial chemicals; (7-1-97)

iii. The used oil fired space heater is designed to have a maximum capacity of not more than one half (0.5) million BTU per hour; (4-5-00)

iv. The combustion gases from the used oil fired space heater are vented to the ambient air through a stack equivalent to the type and design specified by the manufacturer of the heater and installed to minimize down wash and maximize dispersion; and (7-1-97)

v. The used oil fired space heater is of modern commercial design and manufacture, except that a homemade used oil fired space heater may be used if, prior to the operation of the homemade unit, the owner or operator submits documentation to the Department demonstrating, to the satisfaction of the Department, that emissions from the homemade unit are no greater than those from modern commercially available units. (7-1-97)

**i.** Multiple chamber crematory retorts used to cremate human or animal remains using natural gas exclusively with a maximum average charge capacity of two hundred (200) pounds of remains per hour and a minimum secondary combustion chamber temperature of one thousand five hundred (1500) degrees Fahrenheit while operating. (4-11-06)

j. Petroleum environmental remediation source by vapor extraction with an operation life not to exceed five (5) years (except for landfills). The short-term adjustment factor in Subsection 210.15 cannot be used if the remediation is within five hundred (500) feet of a sensitive receptor. Forms are available at [www.deq.idaho.gov](http://www.deq.idaho.gov) to help assist sources in this exemption determination. (4-11-06)

k. Dry cleaning facilities that are not major under, but subject to, 40 CFR Part 63, Subpart M. (4-11-06)

*EPA Approval: 11/19/2020, 85 FR 73632; EPA Effective: 12/21/2020*

#### **400. PROCEDURES AND REQUIREMENTS FOR TIER II OPERATING PERMITS.**

The purpose of Sections 400 through 410 is to establish uniform procedures for the issuance of “Tier II Operating Permits.” (7-1-02)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

#### **401. TIER II OPERATING PERMIT.**

**01. Optional Tier II Operating Permits.** The owner or operator of any stationary source or facility which is not subject to (or wishes to accept limitations on the facility’s potential to emit so as to not be subject to) Sections 300 through 399 may apply to the Department for an operating permit to: (7-1-02)

~~a. Authorize the use of alternative emission limits (bubbles) pursuant to Section 440; (5-1-94)~~

b. Authorize the use of an emission offset pursuant to Sections 204.02.b. or 206; (4-6-05)

c. Authorize the use of a potential to emit limitation, an emission reduction or netting transaction to exempt a facility or modification from certain requirements for a permit to construct; (4-5-00)

d. Authorize the use of a potential to emit limitation to exempt the facility from Tier I permitting requirements. (4-5-00)

e. Bank an emission reduction credit pursuant to Section 461; (5-1-94)

**02. Required Tier II Operating Permits.** A Tier II operating permit is required for any stationary source or facility which is not subject to Sections 300 through 399 with a permit to construct which establishes any emission standard different from those in these rules. (7-1-02)

**03. Tier II Operating Permits Required By The Department.** The Director may require or revise a Tier II operating permit for any stationary source or facility whenever the Department

determines that: (5-1-94)

- a. Emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment; or (4-5-00)
- b. Specific emission standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule. (5-1-94)

~~**04. Multiple Tier II Operating Permits.** Subject to approval by EPA, the Director may issue one (1) or more Tier II operating permits to a facility which allow any specific stationary source or emissions unit within that facility a future compliance date of up to three (3) years beyond the compliance date of any provision of these rules, provided the Director has reasonable cause to believe such a future compliance date is warranted. (4-5-00)~~

**05. Tier II Operating Permits Establishing a Facility Emissions Cap.** The owner or operator of any stationary source or facility may request a Tier II operating permit establishing a Facility Emissions Cap (FEC) pursuant to Sections 175 through 181. (4-11-06)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

#### **402. APPLICATION PROCEDURES.**

Application for a Tier II operating permit must be made using forms furnished by the Department, or by other means prescribed by the Department. The application shall be certified by the responsible official and shall be accompanied by all information necessary to perform any analysis or make any determination required under Sections 400 through 410. (7-1-02)

**01. Required Information.** Site information, plans, description, specifications, and drawings showing the design of the stationary source, facility, or modification, the nature and amount of emissions (including secondary emissions), and the manner in which it will be operated and controlled. (5-1-94)

#### **02. Additional Specific Information.** (5-1-94)

- a. For emission reduction credits, a description of the emission reduction credits proposed for use, including descriptions of the stationary sources or facilities providing the reductions, a description of the system of continuous emission control which provides the emission reduction credits, emission estimates, and other information necessary to determine that the emission reductions satisfy the requirements for emission reduction credits (Section 460); and (4-5-00)
- b. For alternative emission limits (bubbles) or emission offsets, information on the air quality impacts of the traded emissions as necessary to determine the change in ambient air quality that would occur. (5-1-94)

c. For restrictions on potential to emit, a description of the proposed potential to emit limitations including the proposed monitoring and recordkeeping requirements that will be used to verify compliance with the limitations. (4-5-00)

**03. Estimates Of Ambient Concentrations.** All estimates of ambient concentrations shall be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR 51 Appendix W (Guideline on Air Quality Models). (4-5-00)

a. Where an air quality model specified in the “Guideline on Air Quality Models” is inappropriate, the model may be modified or another model substituted, subject to written approval of the Administrator of the U.S. Environmental Protection Agency and public comment pursuant to Subsection 404.01.c. (4-5-00)

b. Methods like those outlined in the U.S. Environmental Protection Agency's “Interim Procedures for Evaluating Air Quality Models (revised)” (1984) should be used to determine the comparability of air quality models. (5-1-94)

**04. Additional Information.** Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 400 through 410 shall be furnished upon request. (7-1-02)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

#### **.403. PERMIT REQUIREMENTS FOR TIER II SOURCES.**

No Tier II operating permit shall be granted unless the applicant shows to the satisfaction of the Department that: (5-1-94)

**01. Emission Standards.** The stationary source would comply with all applicable local, state or federal emission standards. (5-1-94)

**02. NAAQS.** The stationary source would not cause or significantly contribute to a violation of any ambient air quality standard. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

#### **404. PROCEDURE FOR ISSUING PERMITS.**

**01. General Procedures.** General procedures for Tier II operating permits. (5-1-94)

a. Within thirty (30) days after receipt of the application for a Tier II operating permit, the Department shall determine whether the application is complete or whether more information must be submitted and shall notify the applicant of its findings in writing. (5-1-94)

b. Within sixty (60) days after the application is determined to be complete the Department



shall: (5-1-94)

- i. Notify the applicant in writing of the approval, conditional approval, or denial of the application if an opportunity for public comment is not required pursuant to Subsection 404.01.c. The Department shall set forth reasons for any denial; or (5-1-94)
  - ii. Issue a proposed approval, proposed conditional approval, or proposed denial. (5-1-94)
- c.** An opportunity for public comment shall be provided on an application for any Tier II operating permit pursuant to Subsection 401.01, any application which uses fluid modeling or a field study to establish a good engineering practice stack height pursuant to Sections 510 through 516 and any other application which the Director determines an opportunity for public comment should be provided. (5-1-94)
- i. The Department's proposed action, together with the information submitted by the applicant and the Department's analysis of the information, shall be made available to the public in at least one (1) location in the region in which the stationary source or facility is to be located. (5-1-94)
  - ii. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located. (5-1-94)
  - iii. A copy of such notice shall be sent to the applicant and to appropriate federal, state and local agencies. (5-1-94)
  - iv. There shall be a thirty (30) day period after initial publication for comment on the Department's proposed action, such comment to be made in writing to the Department. (5-1-94)
  - v. After consideration of comments and any additional information submitted during the comment period, and within forty-five (45) days after initial publication of the notice, unless the Director deems that additional time is required to evaluate comments and information received, the Department shall notify the applicant in writing of approval, conditional approval, or denial of the permit. The Department shall set forth the reasons for any denial. (5-1-94)
  - vi. All comments and additional information received during the comment period, together with the Department's final determination, shall be made available to the public at the same location as the preliminary determination. (5-1-94)
- d.** A copy of each proposed and final permit will be sent to the U.S. Environmental

Protection Agency. (4-5-00)

**02. Specific Procedures.** Procedures for Tier II operating permits required by the Department under Subsection 401.03. (5-1-94)

- a.** The Director shall send a notification to the proposed permittee by registered mail of his intention to issue a Tier II operating permit for the facility concerned. The notification shall contain a copy of the proposed permit in draft form stating the proposed emission standards and any required action, with corresponding dates, which must be taken by the proposed permittee in order to achieve or maintain compliance with the proposed Tier II operating permit. (5-1-94)
- b.** The Department's proposed Tier II operating permit shall be made available to the public in at least one (1) location in the region in which the facility is located. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the facility is located. A copy of such notice shall be sent to the applicant. There shall be a thirty (30) day period after publication for comment on the Department's proposed Tier II operating permit. Such comment shall be made in writing to the Department. (5-1-94)
- c.** A public hearing will be scheduled to consider the standards and limitations contained in the proposed Tier II operating permit if the proposed permittee files a request therefor with the Department within ten (10) days of receipt of the notification, or if the Director determines that there is good cause to hold a hearing. (5-1-94)
- d.** After consideration of comments and any additional information submitted during the comment period or at any public hearing, the Director shall render a final decision upon the proposed Tier II operating permit within thirty (30) days of the close of the comment period or hearing. At this time the Director may adopt the entire Tier II operating permit as originally proposed or any part or modification thereof. (5-1-94)
- e.** All comments and additional information received during the comment period, together with the Department's final permit, shall be made available to the public at the same location as the proposed Tier II operating permit. (5-1-94)

**03. Availability Of Fluid Models And Field Studies.** The Department will notify the public of the availability of any fluid model or field study used to establish a good engineering practice stack height and provide an opportunity for a public hearing before issuing a permit or setting an emission standard based thereon. (5-1-94)

**04. Permit Revision or Renewal.** The Director may approve a revision of any Tier II operating permit or renewal of any Tier II operating permit provided the stationary source or facility continues to meet all applicable requirements of Sections 400 through 410. Revised permits will be issued pursuant to procedures for issuing permits (Section 404), except that the requirements

of Subsection 404.01.c. shall only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the Director. Renewed Tier II operating permits will be issued pursuant to procedures for issuing permits (Section 404), except that the requirements of Subsections 404.01.c., and 404.02.b. through 404.02.e. shall only apply if the permit revision results in an increase in allowable emissions or if deemed appropriate by the Director. The expiration of a permit will not affect the operation of a stationary source or a facility during the administrative procedure period associated with the permit renewal process. The permittee shall submit a complete application to the Department for a renewal of the terms and conditions establishing the Tier II operating permit at least six (6) months before, but no earlier than eighteen (18) months before, the expiration date of the existing permit. To ensure that the term of the permit does not expire before the terms and conditions are renewed, the permittee is encouraged to submit the application nine (9) months prior to expiration. (4-11-19)

#### **05. Transfer of Tier II Permit. (4-11-06)**

**a. Transfers by Revision.** A Tier II permit may be transferred to a new owner or operator in accordance with Subsection 404.04. (4-11-06)

**b. Automatic Transfers.** Any Tier II permit, with or without transfer prohibition language, may be automatically transferred if: (4-11-06)

i. The current permittee notifies the Department at least thirty (30) days in advance of the proposed transfer date: (4-11-06)

ii. The notice provides written documentation signed by the current and proposed permittees containing a date for transfer of permit responsibility, designation of the proposed permittee's responsible official, and certification that the proposed permittee has reviewed and intends to operate in accordance with the permit terms and conditions; and (4-11-06)

iii. The Department does not notify the current permittee and the proposed permittee within thirty (30) days of receipt of the notice of the Department's determination that the permit must be revised pursuant to Subsection 404.04. If the Department does not issue such notice, the transfer is effective on the date provided in the notice described in Subsection 404.05.b.ii.(4-11-06)

*EPA Approval: 11/19/2020, 85 FR 73632; EPA Effective: 12/21/2020*

#### **405. CONDITIONS FOR TIER II OPERATING PERMITS.**

**01. Reasonable Conditions.** The Department may impose any reasonable conditions upon an approval, including conditions requiring the stationary source or facility to be provided with: (5-1-94)

**a. Sampling ports** of a size, number, and location as the Department may require; (5-1-94)

- b. Safe access to each port; (5-1-94)
- c. Instrumentation to monitor and record emissions data; (5-1-94)
- d. Instrumentation for ambient monitoring to determine the effect emissions from the stationary source or facility may have, or are having, on the air quality in any area affected by the stationary source or facility; and (5-1-94)
- e. Any other sampling and testing facilities as may be deemed reasonably necessary. (5-1-94)

**02. Performance Tests.** Any performance tests required by the permit shall be performed in accordance with methods and under operating conditions approved by the Department. The owner or operator shall furnish to the Department a written report of the results of such performance test. (5-1-94)

- a. Such test shall be at the expense of the owner or operator. (5-1-94)
- b. The Department may monitor such test and may also conduct performance tests. (5-1-94)
- c. The owner or operator of a stationary source or facility shall provide the Department fifteen (15) days prior notice of the performance test to afford the Department the opportunity to have an observer present. (5-1-94)

**03. Permit Term.** Tier II operating permits shall be issued for a period not to exceed five (5) years. This five (5) year operating permit restriction does not apply to the provisions contained in Section 461.02 (banked emission reduction credits). (5-1-94)

**04. Single Tier II Operating Permit.** When a facility includes more than one (1) stationary source or emissions unit, a single Tier II operating permit may be issued including all stationary sources and emissions units located at that facility. Such Tier II operating permit shall separately identify each stationary source and emissions unit to which the Tier II operating permit applies. When a single stationary source or facility is subject to permit modification, suspension or revocation, such action by the Director shall only affect that individual stationary source or emissions unit without thereby affecting any other stationary source or emissions unit subject to that Tier II operating permit. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

#### **406. OBLIGATION TO COMPLY.**

Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal rules and regulations. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

#### **460. REQUIREMENTS FOR EMISSION REDUCTION CREDIT.**

In order to be credited in a permit to construct, Tier I operating permit or Tier II operating permit any emission reduction must satisfy the following: (5-1-94)

**01. Allowable Emissions.** The proposed level of allowable emissions must be less than the actual emissions of the stationary source(s) or emission unit(s) providing the emission reduction credit. No emission reduction(s) can be credited for actual emissions which exceed the allowable emissions of the stationary source(s) or emission unit(s). (5-1-94)

**02. Timing of Emission Reduction.** In an attainment or unclassifiable area any emission reduction which occurs prior to the minor source baseline date must have been banked with the Department prior to the minor source baseline date in order to be credited; in a nonattainment area the emission reduction must occur after the base year of any control strategy for the particular air pollutant. (4-11-06)

**03. Emission Rate Calculation.** The emission rate before and after the reduction must be calculated using the same method and averaging time and the characteristics necessary to evaluate any future use of the emission reduction credit must be described. (5-1-94)

**04. Permit Issuance.** A permit to construct, Tier I operating permit or Tier II operating permit shall be issued which establishes a new emission standard for the facility, or restricts the operating rate, hours of operation, or the type or amount of material combusted, stored or processed for the stationary source(s) or emission unit(s) providing the emission reductions. (4-5-00)

**05. Imposed Reductions.** Emission reductions imposed by local, state or federal regulations or permits shall not be allowed for emission reduction credits. (5-1-94)

**06. Mobile Sources.** The proposed level of allowable emissions must be less than the actual emissions of the mobile sources or stationary sources providing the emission reduction credit. Mobile source emission reduction credits shall be made state or federally enforceable by SIP revision. The form of the SIP revision may be a state or local regulation, operating permit condition, consent or enforcement order, or any mechanism available to the state that is enforceable. (4-5-00)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

#### **461. REQUIREMENTS FOR BANKING EMISSION REDUCTION CREDITS (ERC'S).**

**01. Application To Bank An ERC.** The owner or operator of any facility may apply to the Department for a Tier I or Tier II operating permit (or a revision thereto) to bank an emission reduction credit. An application to bank an emission reduction credit must be received by the Department no later than one (1) year after the reduction occurs. The Department may issue or

revise such a Tier I or Tier II operating permit and a “Certificate of Ownership” for an emission reduction credit, provided that all emission reductions satisfy the requirements for emission reduction credits (Section 460). (5-1-94)

**02. Banking Period.** Emission reduction credits may be banked with the Department. The banked emission reduction credits may be used for offsets, netting in accordance with the definition of net emissions increase at Section 007, or alternative emission limits (bubbles), or sold to other facilities. The use of banked emission reduction credits must satisfy the applicable requirements of the program in which they are proposed for use, including approval of a permit to construct or a Tier I or Tier II operating permit. (4-5-00)

**03. Certificate Of Ownership.** Upon issuing or revising a Tier I or Tier II operating permit for an emission reduction credit, the Department will issue a “Certificate of Ownership” which will identify the owner of the credits, quantify the credited emission reduction and describe the characteristics of the emissions which were reduced and emissions unit(s) which previously emitted them. (5-1-94)

**04. Adjustment By Department.** If at any time the Department, or the owner or operator of a facility which has produced an emission reduction credit, finds that the actual reduction in emissions differs from that in the certificate of ownership, the Department will adjust the amount of banked emission reduction credits to reflect the actual emission reduction and issue a revised certificate of ownership. (5-1-94)

**05. Proportional Discounts.** If at any time the Department finds that additional emission reductions are necessary to attain and maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment, banked emission reduction credits at facilities in the affected area may be proportionally discounted by an amount which will not exceed the percentage of emission reduction required for that area. (4-5-00)

**06. Transfer Of Ownership.** Whenever the holder of a certificate of ownership for banked emission reduction credits, sells or otherwise transfers ownership of all or part of the banked credits, the holder shall submit the certificate of ownership to the Department. The Department will issue a revised certificate(s) of ownership which reflects the old and new holder(s) and amount(s) of banked emission reduction credits. (5-1-94)

**07. Public Registry.** The Department will maintain a public registry of all banked emissions reduction credits, indicating the current holder of each certificate of ownership and the amount and type of credited emissions. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **500. REGISTRATION PROCEDURES AND REQUIREMENTS FOR PORTABLE EQUIPMENT.**

**01. Registration Requirements.** All existing portable equipment shall be registered within

ninety (90) days after the original effective date of this Section 500 and at least ten (10) days prior to relocating, using forms provided by the Department, except that no registration is required for mobile internal combustion engines, marine installations and locomotives. (5-1-94)

**02. Compliance With Rules And Regulations.** Possessing a “Certificate of Registration” does not relieve any owner or operator of the responsibility to comply with all applicable local, state and federal rules and regulations. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **510. STACK HEIGHTS AND DISPERSION TECHNIQUES.**

The purpose of Sections 510 through 516 is to establish criteria for good engineering practice for stack heights and dispersion techniques. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **511. APPLICABILITY.**

The provisions of Sections 510 through 516 shall apply to existing, new, and modified stationary sources and facilities. The provisions of Sections 510 through 516 do not apply to stack heights in existence, or dispersion techniques implemented, on or before December 31, 1970, except where regulated or toxic air pollutant(s) are being emitted from such stacks or using such dispersion techniques by sources which were constructed, or reconstructed, or for which major modifications were carried out, after December 31, 1970. (4-11-06)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **512. DEFINITIONS.**

For the purpose of Sections 500 through 516: (5-1-94)

**01. Dispersion Technique.** Any technique which attempts to affect the concentration of a regulated or toxic air pollutant in the ambient air by: (4-11-06)

- a.** Using that portion of a stack which exceeds good engineering practice stack height; (5-1-94)
- b.** Varying the rate of emission of a regulated or toxic air pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or (4-11-06)
- c.** Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one (1) stack, or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream; smoke

management in agricultural or silvicultural prescribed burning programs; episodic restrictions on residential woodburning and open burning; techniques which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed five thousand (5,000) tons per year; or the merging of exhaust gas streams where: (5-1-94)

i. The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams; (5-1-94)

ii. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a regulated or toxic air pollutant. This exclusion from the definition of “dispersion techniques” shall apply only to the emission limitation for the regulated or toxic air pollutant affected by such change in operation; or (4-11-06)

iii. Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, the reviewing agency shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the reviewing agency shall deny credit for the effects of such merging in calculating the allowable emissions for the source. (5-1-94)

**02. Excessive Concentration.** For the purpose of determining good engineering practice stack height in a fluid modeling evaluation or field study as provided for in Subsection 512.03.c. “Excessive Concentration” means: (5-1-94)

a. For sources seeking credit for stack height exceeding that established under Subsection 512.03.b., a maximum ground level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such effects, and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard. For sources subject to the prevention of significant deterioration program, an excessive concentration alternatively means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emission rate to be used in making demonstrations under Subsection 512.02.a., shall be



prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Department, an alternative emission rate shall be established in consultation with the source owner or operator. (5-1-94)

**b.** For sources seeking credit after October 1, 1983, for increases in existing stack heights up to the heights established under Subsection 512.03.b., either: (5-1-94)

i. A maximum ground-level concentration due in whole or in part to downwash, wakes or eddy effects as provided in Subsection 512.02.a., except that the emission rate specified by any applicable SIP or, in the absence of such a limit, the actual emission rate shall be used; or (5-1-94)

ii. The actual presence of a local nuisance caused by the existing stack as determined by the authority administering the Department. (5-1-94)

**c.** For sources seeking credit after January 12, 1979, for a stack height determined under Subsection 512.03.b., where the Department requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in Subsection 512.03.b., a maximum ground-level concentration due in whole or in part to downwash, wakes or eddy effects that is at least forty percent (40%) in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects. (5-1-94)

**03. Good Engineering Practice (GEP) Stack Height.** The greater of: (5-1-94)

**a.** Sixty-five (65) meters, measured from the ground-level elevation at the base of the stack; (5-1-94)

**b.** For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable preconstruction permits or approvals required,

$$H = 2.5S$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation. For all other stacks provided that the Department may require the use of a field study or fluid model to verify GEP stack height for the source,

$$H = S + 1.5L$$

where: (5-1-94)

- i. H = good engineering practice stack height measured from the ground-level elevation at the base of the stack. (5-1-94)
  - ii. S = height of nearby structure(s) measured from the ground-level elevation at the base of the stack. (5-1-94)
  - iii. L = lesser dimension, height or projected width, of nearby structure(s). (5-1-94)
- c. The height demonstrated by a fluid model or a field study approved by the Department which ensures that the emissions from a stack do not result in excessive concentrations of any regulated or toxic air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain features. (4-11-06)

**04. Nearby Structures Or Terrain Features.** “Nearby” as applied to a specific structure or terrain feature under the definition of “good engineering practice stack height”; and (5-1-94)

- a. For purposes of applying the formulae provided under Subsection 512.03.b., means that distance up to five (5) times the lesser of the height or the width dimension of a structure, but not greater than one-half (1/2) mile (0.8 km); and (5-1-94)
- b. For conducting demonstrations under Subsection 512.03.c., means not greater than one-half (0.5) mile (0.8 km), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten (10) times the maximum height of the feature, not to exceed two (2) miles if such feature achieves a height one-half (0.5) mile (0.8 km) from the stack that is at least forty percent (40%) of the GEP stack height determined by the formulae provided in Subsection 512.03.b., or twenty-six (26) meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack. (4-5-00)

**05. Stack In Existence.** The owner or operator had: (5-1-94)

- a. Begun, or caused to begin, a continuous program of physical on-site construction of the stack; or (5-1-94)
- b. Entered into binding agreements or contractual obligations which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time. (5-1-94)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

**513. REQUIREMENTS.**

The required degree of emission control of any regulated or toxic air pollutant shall not be affected by the amount of any stack height that exceeds good engineering practice (GEP) or by any other dispersion technique. (4-11-06)

**514. OPPORTUNITY FOR PUBLIC HEARING.**

Whenever a new or revised emission limitation is to be based on a good engineering practice stack height that exceeds the height allowed by the formulae in Subsections 512.03.a. and 512.03.b., the Department will notify the public of the availability of the demonstration study submitted under Subsection 512.03.c., and will provide an opportunity for public hearing on the demonstration study. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**515. APPROVAL OF FIELD STUDIES AND FLUID MODELS.**

Any field study or fluid model used to demonstrate GEP stack height under Subsection 512.03.b. or 512.03.c., and any determination of "excessive concentration" under Subsection 512.02 must be approved by the EPA prior to an emission limit being established. The construction of any new stack, or any increase to the height of any existing stack to the height determined by the formulae in Subsection 512.03.b., without completing a fluid model and a field study must be approved by the EPA. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**516. NO RESTRICTION ON ACTUAL STACK HEIGHT.**

The provisions of Sections 510 through 516 do not restrict, in any manner, the actual stack height of any stationary source or facility. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**550. AIR POLLUTION EMERGENCY RULE.**

The purpose of Sections 550 through 562 is to define criteria for an air pollution emergency, to formulate a plan for preventing or alleviating such an emergency, and to specify rules for carrying out the plan. The procedures for implementing Sections 550 through 562 are delineated in Chapter VI of the SIP. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**551. EPISODE CRITERIA.**

The purpose of Sections 551 through 556 is to establish criteria for stages of atmospheric stagnation and/or degraded air quality. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**552. STAGES.**

The Department has defined four (4) stages of atmospheric stagnation and/or degraded air quality. (5-1-94)

**01. Stage 1 - Air Pollution Forecast And Caution.** An internal watch by the Department shall be actuated by a National Weather Service report that an Atmospheric Stagnation Advisory has been issued, or the equivalent local forecast of stagnant atmospheric conditions. (3-15-02)

**02. Stage 2 - Alert.** This is the first stage at which air pollution control actions by industrial sources are to begin. (5-1-94)

**03. Stage 3 - Warning.** The warning stage indicates that air quality is further degraded and that control actions are necessary to maintain or improve air quality. (5-1-94)

**04. Stage 4 - Emergency.** The emergency stage indicates that air quality has degraded to a level that will substantially endanger the public health and that the most stringent control actions are necessary. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

### **.553. EFFECT OF STAGES.**

Once an episode stage is reached or the Department determines that reaching a particular stage is imminent, emergency action corresponding to that stage will remain in effect until air quality measurements indicate that another stage (either lower or higher) has been attained. At such time, actions corresponding to the next stage will go into effect. This procedure will continue until the episode is terminated. The air quality criteria used to define each of the episode stages for carbon monoxide, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide are specified in Section 556. The levels will be determined by the Department through its analysis of meteorological and ambient air quality monitoring data. (3-15-02)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

### **556. CRITERIA FOR DEFINING LEVELS WITHIN STAGES.**

The air quality criteria defining each of these levels for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particles with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (PM-10), particles with an aerodynamic diameter less than or equal to a nominal two point five (2.5) micrometers (PM-2.5), and sulfur dioxide (SO<sub>2</sub>) are: (3-15-02)

**01. Stage 1 - Forecast And Caution.** A Stage 1 Forecast and Caution shall be declared by the Department when particulate concentrations or visibility attributable to particulate matter reaches, or is forecasted to reach, and continue, at or above the levels listed below. The Department may call a Stage 1 Forecast and Caution, if it determines, after evaluating the pertinent meteorology and weather conditions and source parameters such as source type, strength and projected duration, that a Stage 1 Forecast and Caution is required to protect the public health. (3-15-02)

#### **a. Pollutant Levels.**

|                       |                                  |
|-----------------------|----------------------------------|
| <u>CO</u>             | <u>NA</u>                        |
| <u>NO<sub>2</sub></u> | <u>NA</u>                        |
| <u>O<sub>3</sub></u>  | <u>NA</u>                        |
| <u>SO<sub>2</sub></u> | <u>NA</u>                        |
| <u>PM-2.5</u>         | <u>100 ug/m3 1 hour average</u>  |
| <u>PM-2.5</u>         | <u>50 ug/m3 24 hour average</u>  |
| <u>PM-10</u>          | <u>385 ug/m3 1 hour average</u>  |
| <u>PM-10</u>          | <u>150 mg/m3 24 hour average</u> |

(3-15-02)

**b. Visibility.** When PM-10 or PM 2.5 monitoring readings are not available, the Department may declare a Stage 1 – Forecast and Caution: based on visibility readings according to the following scale:

|                       |                                   |
|-----------------------|-----------------------------------|
| <u>CO</u>             | <u>NA</u>                         |
| <u>NO<sub>2</sub></u> | <u>NA</u>                         |
| <u>O<sub>3</sub></u>  | <u>NA</u>                         |
| <u>SO<sub>2</sub></u> | <u>NA</u>                         |
| <u>PM</u>             | <u>2.75 4.50 miles visibility</u> |

(3-15-02)

**02. Stage 2 - Alert.**

|  |                 |
|--|-----------------|
| CO - 17 mg/m3 (15 ppm)                 | 8-hour average  |
| NO <sub>2</sub> - 1130 ug/m3 (0.6 ppm) | 1-hour average- |
| 282 ug/m3 (0.15 ppm)                   | 24-hour average |
| O <sub>3</sub> - 400 ug/m3 (0.2 ppm)   | 1-hour average  |
| PM-10 - 350 ug/m3                      | 24-hour average |
| SO <sub>2</sub> - 800 ug/m3 (0.3 ppm)  | 24-hour average |

(4-5-00)

**03. Stage 3 - Warning.**

|                        |                |
|------------------------|----------------|
| CO - 34 mg/m3 (30 ppm) | 8-hour average |
|------------------------|----------------|

|   |                 |
|---|-----------------|
| NO <sub>2</sub> - 2260 ug/m <sup>3</sup> (1.2 ppm), | 1-hour average- |
| 565 ug/m <sup>3</sup> (0.3 ppm)                     | 24-hour average |
| O <sub>3</sub> - 800 ug/m <sup>3</sup> (0.4 ppm)    | 1-hour average  |
| PM-10 - 420 ug/m <sup>3</sup>                       | 24-hour average |
| SO <sub>2</sub> - 1600 ug/m <sup>3</sup> (0.6 ppm)  | 24-hour average |

(4-5-00)

**04. Stage 4 - Emergency.**

|  |                 |
|--|-----------------|
| CO - 46 mg/m <sup>3</sup> (40 ppm)                 | 8-hour average  |
| NO <sub>2</sub> - 3000 ug/m <sup>3</sup> (1.6 ppm) | 1-hour average- |
| 750 ug/m <sup>3</sup> (0.4 ppm)                    | 24-hour average |
| O <sub>3</sub> - 1000 ug/m <sup>3</sup> (0.5 ppm)  | 1-hour average  |
| PM-10 - 500 ug/m <sup>3</sup>                      | 24-hour average |
| SO <sub>2</sub> - 2100 ug/m <sup>3</sup> (0.8 ppm) | 24-hour average |

(4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**557. PUBLIC NOTIFICATION.**

The purpose of Sections 557 through 560 is to establish requirements for public notification regarding atmospheric stagnation and/or degraded air quality. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

**558. INFORMATION TO BE GIVEN.**

**01. Information To Be Given.** On the basis of degrading air quality as determined by the Director, and the criteria for emergency episode stages as shown in Section 556, the Director will utilize appropriate news media to insure that the following information is announced to the public: (5-1-94)

- a. Definition of the extent of the problem; (5-1-94)
- b. Indication of the action taken by the Director; (5-1-94)
- c. Air pollution forecast for next few days; (5-1-94)
- d. Notice of when the next statement from the Department will be issued; (5-1-94)
- e. Listing of all general procedures which the public, commercial, institutional and

industrial sectors are required to follow; (5-1-94)

**f.** Specific warnings and advice to those persons who because of acute or chronic health problems, may be most susceptible to the effects of the episode. (3-15-02)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

#### **559. MANNER AND FREQUENCY OF NOTIFICATION.**

Such announcements will be made by the news media during regularly scheduled television and radio news broadcasts and in all editions of specified newspapers. In addition, when the stage 4 emergency level is reached, television and radio stations designated by the Department will repeat these announcements at one (1) hour intervals during normal broadcasting hours. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

#### **560. NOTIFICATION TO SOURCES.**

The Department will assure that all significant sources of the applicable air pollutant(s) are notified of the emergency stage by telephone or other appropriate means. (4-11-06)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

#### **561. GENERAL RULES.**

All persons in the designated stricken area shall be governed by the following rules for each emergency episode stage. The Director may waive one (1) or more of the required measures at each episode stage if, on the basis of information available to him, he judges that a measure is an inappropriate response to the specific episode conditions which then exist. (5-1-94)

**01.** Stage 1 - Air Pollution Forecast And Caution. There shall be no open burning of any kind. (3-15-02)

**02.** Stage 2 - Alert. (5-1-94)

**a.** There shall be no open burning of any kind. (5-1-94)

**b.** The use of burners and incinerators for the disposal of any form of solid waste shall be prohibited. (3-15-02)

**c.** Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 pm (noon) and 4:00 p.m. (5-1-94)

**d.** Commercial, industrial and institutional facilities utilizing coal or residual fuel oil are required to switch to natural gas or distillate oil if available. (5-1-94)

**03. Stage 3 - Warning. (5-1-94)**

- a.** There shall be no open burning of any kind. (5-1-94)
- b.** The use of burners and incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited. (3-15-02)
- c.** Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 pm (noon) and 4:00 p.m. (5-1-94)
- d.** Commercial, industrial and institutional facilities utilizing coal or residual fuel are required to either: (5-1-94)
  - i. Switch completely to natural gas or distillate oil; or (5-1-94)
  - ii. If these low sulfur fuels are not available, curtail the use of existing fuels to the extent possible without causing injury to persons or damage to equipment. (5-1-94)

**04. Stage 4 - Emergency. This will be called only with specific concurrence of Governor. (5-1-94)**

- a.** There shall be no open burning of any kind. (5-1-94)
- b.** The use of burners and incinerators for the disposal of any form of solid or liquid waste shall be prohibited. (3-15-02)
- c.** All places of employment described below shall immediately cease operations: (5-1-94)
  - i. All mining and quarrying operations; (5-1-94)
  - ii. All construction work except that which must proceed to avoid injury to persons; (5-1-94)
  - iii. All manufacturing establishments except those required to have in force an air pollution emergency plan; (5-1-94)
  - iv. All wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers or industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies except those engaged in the distribution of drugs, surgical supplies and food; (5-1-94)
  - v. All offices of local, county and State government including authorities, joint



meetings, and other public bodies excepting such agencies which are determined by the chief administrative officer of local, county, or State government authorities, joint meetings and other public bodies to be vital for public safety and welfare and the enforcement of the provisions of this order; (5-1-94)

vi. All retail trade establishments except pharmacies, surgical supply distributors, and stores primarily engaged in the sale of food; (5-1-94)

vii. Banks, credit agencies other than banks, securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers, real estate offices; (5-1-94)

viii. Wholesale and retail laundries, laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops, shoe repair shops; (5-1-94)

ix. Advertising offices, consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services, commercial testing laboratories; (5-1-94)

x. Automobile repair, automobile services, garages except those located adjacent to state or interstate highways; (5-1-94)

xi. Establishments rendering amusement and recreational services including motion picture theaters; (5-1-94)

xii. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries. (5-1-94)

**d.** All commercial and manufacturing establishments not included in this order will institute such actions as will result in maximum reduction of the applicable air pollutant(s) from their operation by ceasing, curtailing, or postponing operations which emit the applicable air pollutants to the extent possible without causing injury to persons or damage to equipment. These actions include limiting boiler lancing or soot blowing operations for fuel burning equipment to between the hours of 12:00 pm (noon) and 4:00 p.m. (4-11-06)

**e.** When the emergency episode is declared for carbon monoxide, the use of motor vehicles is prohibited except in emergencies or with the approval of local or state police or the Department. (5-1-94)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **562. SPECIFIC EMERGENCY EPISODE ABATEMENT PLANS FOR POINT**

## **SOURCES.**

In addition to the general rules presented in Section 561, the Department shall require that specific point sources adopt and implement their own Emergency Episode Abatement Plans in accordance with the criteria set forth in Sections 551 through 556. An individual plan can be revised periodically by the Department after consultation between the Department and the owners and/or operators of the source. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **563. TRANSPORTATION CONFORMITY.**

The purpose of Sections 563 through 574 is to adopt and implement Section 176(c) of the Clean Air Act (CAA), as amended [42 U.S.C. 7401 et seq.], and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects developed, funded, or approved by the United States Department of Transportation (USDOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). These sections set forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to an applicable implementation plan developed pursuant to Section 110 and Part D of the CAA. The publications referred to or incorporated by reference in Sections 563 through 574 are available from the IDEQ. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **564. INCORPORATION BY REFERENCE.**

With the exception of Sections 93.102(c), 93.104(d), 93.104(e)(2), 93.105, 93.109(c)-(f), 93.118(e), 93.119(f)(3), 93.120(a)(2), 93.121(a)(1), and 93.124(b), 40 CFR Part 93, Subpart A, Sections 93.100- 93.129, are incorporated by reference into these rules at Section 107 of these rules. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **565. ABBREVIATIONS.**

**01.** CAA. Clean Air Act, as amended. (3-30-01)

**02.** CFR. Code of Federal Regulations. (3-30-01)

**03.** CO. Carbon Monoxide. (3-30-01)

**04.** EPA. Environmental Protection Agency. (3-30-01)

**05.** FHWA. Federal Highway Administration of USDOT. (3-30-01)

**06.** FTA. Federal Transit Administration of USDOT. (3-30-01)

- 07. HPMS. Highway Performance Monitoring System. (3-30-01)
- 08. ICC. Interagency Consultation Committee. (3-30-01)
- 09. IDEQ. Idaho Department of Environmental Quality. (3-30-01)
- 10. ITD. Idaho Transportation Department. (3-30-01)
- 11. LHTAC Local Highway Technical Assistance Council. (3-30-01)
- 12. LRTP. Long Range Transportation Plan. (3-30-01)
- 13. MPO. Metropolitan Planning Organization. (3-30-01)
- 14. NAAQS. National Ambient Air Quality Standards. (3-30-01)
- 15. NEPA. National Environmental Policy Act, as amended. (3-30-01)
- 16. O3. Ozone. (3-30-01)
- 17. PM. Particulate matter. (3-30-01)
- 18. PMx. Particles with an aerodynamic diameter less than or equal to a nominal X micrometers, where X denotes any size fraction number regulated by the NAAQs (e.g.: 10, 2.5). (3-30-01)
- 19. STIP. Statewide Transportation Improvement Program. (3-30-01)
- 20. TCM. Transportation Control Measure. (3-30-01)
- 21. TIP. Transportation Improvement Program. (3-30-01)
- 22. USDOT. United States Department of Transportation. (3-30-01)
- 23. VMT. Vehicle Miles Traveled. (3-30-01)  
*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **566. DEFINITIONS FOR THE PURPOSE OF SECTIONS 563 THROUGH 574 AND 582.**

Terms used but not defined in Sections 563 through 574 and 582 shall have the meaning given them by the CAA, Titles 23 and 49 U.S.C., other Environmental Protection Agency (EPA) regulations, or other USDOT regulations, in that order of priority. For the purpose of Sections 563 through 574 and 582: (3-30-01)

**01. Applicable Implementation Plan.** Applicable Implementation Plan is defined in Section 302(q) of the CAA and means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under Section 110 of the CAA, or promulgated under Section 110(c) of the CAA, or promulgated or approved pursuant to regulations promulgated under Section 301(d) of the CAA and which implements the relevant requirements of the CAA. (3-30-01)

**02. Consult Or Consultation.** The lead agency confers with other ICC members and persons on the distribution list and considers their views prior to taking actions relating to transportation conformity. The lead agency shall distribute all appropriate information necessary to make a conformity determination and, prior to making a conformity determination, shall consider the views of such parties and shall provide a timely, written response to those views. Such views and written responses shall be included in the record of decision or action. Consultation shall not occur with respect to a transportation plan or transportation improvement program (TIP) revision that merely adds or exempts projects listed in 40 CFR 93.126. (3-30-01)

**03. Distribute.** Make available relevant documents and information by electronic and manual means, whichever is more appropriate, to all ICC members and persons on the distribution list. Electronic distribution may include existing and future technological applications, such as electronic mail, internet web-site posting including downloadable files, or the use of an electronic mail reply system based on the distribution list. Manual distribution may include the United States Postal Service, the state internal mail system, a facsimile machine, or any commercially available mail service provider. (3-30-01)

**04. Distribution List.** A list containing the names and addresses of ICC members and any person(s) expressing an interest in receiving information and material pertaining to ICC meetings. To express interest, a person may contact the lead agency by postal mail, electronic mail, telephone or in person, and inform the ICC member of their interest in being on the distribution list for information and material pertaining to ICC meetings. (3-30-01)

**05. Exempt Projects.** Projects exempt from conformity requirements based on the general criteria of safety, mass transit, and other factors, as described in 40 CFR 93.126. (3-30-01)

**06. Lead Agency.** The transportation or air quality agency responsible for conducting the consultation process, as identified in Subsections 568.01 through 568.03. (3-30-01)

**07. Lead Air Quality Agency.** An agency designated pursuant to Section 174 of the CAA as responsible for developing an applicable implementation plan, or alternatively the agency designated by the Governor as the lead air quality agency for a county, region, or any jurisdiction. (3-30-01)

**08. Local Highway Jurisdiction.** A county with jurisdiction over a highway system, a city with jurisdiction over a highway system, or a highway district, as defined by Section 40-113(3), Idaho Code. (3-30-01)

**09. Local Highway Technical Assistance Council (LHTAC).** The public agency created in Chapter 24, Title 40, Idaho Code. (3-30-01)

**10. Maximum Priority.**

**a.** All possible actions must be taken to shorten the time periods necessary to complete essential steps in TCM implementation - for example, by increasing the funding rate - even though timing of other projects may be affected. It is not permissible to have prospective discrepancies with the applicable implementation plan's TCM implementation schedule due to: (3-30-01)

i. Lack of funding in the TIP; (3-30-01)

ii. Lack of commitment to the project by the sponsoring agency; (3-30-01)

iii. Unreasonably long periods to complete future work due to lack of staff or other agency resources; (3-30-01)

iv. Lack of approval or consent by local governmental bodies; or (3-30-01)

v. Failure to have applied for a permit where necessary work preliminary to such application has been completed. (3-30-01)

**b.** Where statewide and metropolitan funding resources, planning, and management capabilities are fully consumed within the flexibility of the Transportation Equity Act of 1998 (TEA-21), Pub. L. No. 105-178, 112 Stat 107, as amended by Pub. L. No. 105-206, 112 Stat 685, or future federal omnibus transportation funding bills, with responding to damage from natural disasters, civil unrest, or terrorist acts, TCM implementation can be determined to be timely without regard to the above, provided reasonable efforts are being made. (3-30-01)

**11. Metropolitan Planning Organization (MPO).** The organization designated as being responsible, together with the State, for conducting the continuing cooperative and comprehensive transportation planning process under 23 U.S.C. 134 and 49 U.S.C. 5303 and 23 CFR 450. It is the forum for cooperative transportation decision-making. (3-30-01)

**12. Public Notice.** Distribution of the meeting times, location, duration and agenda, to all the ICC members and persons on the distribution list. (3-30-01)

**13. Recipient Of Funds Designated Under Title 23 U.S.C. Or The Federal Transit Laws.** Any agency at any level of state, county, city, or regional government that routinely receives Title 23 U.S.C. or Federal Transit Laws funds to construct FHWA/FTA projects, operate FHWA/FTA projects or equipment, purchase equipment, or undertake other services or operations via

contracts or agreements. This definition does not include private landowners, developers, contractors, or entities that are only paid for services or products created by their own employees. (3-30-01)

**14. Regionally Significant Project.** A transportation project, other than an exempt project, that is on a facility which serves regional transportation needs (such as access to and from the area outside the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including, at a minimum: (3-30-01)

- a. All principal arterial highways; (3-30-01)
- b. All fixed guideway transit facilities that offer an alternative to regional highway travel; and (3-30-01)
- c. Any other facilities determined to be regionally significant through Section 570, interagency consultation. (3-30-01)

**15. Transportation Agency.** The public agency responsible for one (1) or more of the following transportation modes: (3-30-01)

- a. Air; (3-30-01)
- b. Rail; (3-30-01)
- c. Water; (3-30-01)
- d. Highway; (3-30-01)
- e. Bicycle and pedestrian paths; and (3-30-01)
- f. Transit. (3-30-01)

**16. Transit Agency.** Any agency involved in providing mass transportation services by bus, rail, or other conveyance providing general or special service to the public on a regular and continuing basis. The term "Transit Agency" does not include school buses or charter or sightseeing services. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **567. AGENCIES AFFECTED BY CONSULTATION.**

This Section identifies those agencies and other entities (federal, tribal, state and local) involved in the consultation process and those general actions requiring consultation. (3-30-01)

**01. Interagency Consultation Committee.** A committee of representatives shall be formed in each nonattainment or maintenance area of the state, to convene on conformity determinations, as necessary, and shall be called the Interagency Consultation Committee (ICC) for that nonattainment or maintenance area. The ICC shall undertake consultation procedures, as applicable, in preparing for and before making conformity determinations in developing long-range transportation plans (LRTP), transportation improvement programs (TIP), and applicable implementation plans. (3-30-01)

**02. ICC Members.** The ICC shall consist of the following agencies or entities, as applicable: (3-30-01)

- a.** A Metropolitan Planning Organization (MPO) where one exists; (3-30-01)
- b.** The Idaho Transportation Department (ITD); (3-30-01)
- c.** The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) divisional office; (3-30-01)
- d.** The Idaho Department of Environmental Quality (IDEQ); (3-30-01)
- e.** Affected Local Highway Jurisdictions involved in transportation, (3-30-01)
- f.** Affected Transit agency(ies); (3-30-01)
- g.** The Local Highway Technical Assistance Council (LHTAC); (3-30-01)
- h.** Indian Tribal governments with transportation planning responsibilities; and (3-30-01)
- i.** The United States Environmental Protection Agency (EPA). (3-30-01)

**03. Agencies Entitled To Participate.** Agencies which may be affected by the consultation process and which are entitled to participate in the consultation process include: (3-30-01)

- a.** Any local transit agency or provider, local highway jurisdiction, and any city or county transportation or air quality board or agency where the nonattainment or maintenance area is located; and (3-30-01)
- b.** Any other state or federal or tribal organization in the state responsible under state or federal law for developing, submitting or implementing transportation related provisions of an implementation plan. (3-30-01)

**04. More Than One Pollutant.** Areas that are nonattainment for more than one (1) pollutant may conduct consultation, as specified in this section, through a single committee for all pollutants.

(3-30-01)

**05. Open To The Public.** All meetings of the ICC shall be open to the public. (3-30-01)

**06. Delegation.** An ICC member may delegate its role or responsibility in the consultation process to another entity pursuant to applicable state law. An ICC member making such delegation shall notify all other ICC members in writing when the delegation occurs. The written notice shall provide the name, address, and telephone number of one (1) or more contact persons representing the entity accepting the delegated role or responsibility. (3-30-01)

**07. General Actions Requiring Consultation.** The ICC shall undertake the consultation process prior to the development of the following: (3-30-01)

**a.** The implementation plan(s), including the emission budget and list of TCMs in the applicable implementation plan(s), prepared by the lead air quality agency in a nonattainment or maintenance area; (3-30-01)

**b.** All other conformity determinations for transportation plans, projects, and programs; and (3-30-01)

**c.** Revisions to the preceding documents which may directly or indirectly affect conformity determinations. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **568. ICC MEMBER ROLES IN CONSULTATION.**

The lead agency as identified in this section is the ICC member responsible for initiating the consultation process, preparing the initial and final drafts of the document or decision, and assuring the adequacy of the consultation process for all conformity processes and procedures. (3-30-01)

**01. Designated Lead Air Quality Agency.** IDEQ or the MPO, as the designated lead air quality agency, shall be the lead agency for the development of the implementation plan, the associated emission budgets, and the list of Transportation Control Measures (TCMs) in the plan. The concurrence of IDEQ on each applicable implementation plan is required before IDEQ adopts the plan and submits it to EPA for inclusion in the applicable implementation plan. (3-30-01)

**02. Areas With An MPO.** For areas in which an MPO has been established, the designated MPO shall be the lead agency responsible for conformity determinations, development of the LRTP, development of the TIP, and project level documentation under 23 CFR 450. (3-30-01)

**03. Areas Without An MPO.** For areas in which an MPO has not been established, ITD shall be the lead agency for preparing the final document on conformity determinations, the development of the statewide transportation plan, the development of the STIP, and project level



documentation under 23 CFR 450. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **569. ICC MEMBER RESPONSIBILITIES IN CONSULTATION.**

This Section identifies the specific responsibilities of ICC members. (3-30-01)

**01. Designated Lead Air Quality Agency Responsibilities.** The designated lead air quality agency shall be responsible for developing or providing and distributing draft and final documentation, data and analyses for: (3-30-01)

- a.** Air emission inventories; (3-30-01)
- b.** Emission budgets; (3-30-01)
- c.** Attainment and maintenance demonstrations; (3-30-01)
- d.** Control strategy implementation plan revisions; (3-30-01)
- e.** Updated motor vehicle emission factors; (3-30-01)
- f.** Proposal and evaluation of TCMs; and (3-30-01)
- g.** Public outreach on draft air quality plans pursuant to 40 CFR Part 51. (3-30-01)

**02. Designated MPO Responsibilities.** The designated MPO shall be responsible for: (3-30-01)

- a.** Conformity determinations corresponding to LRTPs and TIPs; (3-30-01)
- b.** Making conformity determinations for the entire nonattainment or maintenance area, including areas beyond the boundaries of the MPO, where no agreement is in effect as required by 23 CFR 450.310(f); (3-30-01)
- c.** Identify regionally significant projects through the consultation process; (3-30-01)
- d.** Implementing TCMs in air quality nonattainment and/or maintenance areas, as applicable; (3-30-01)
- e.** Providing technical and policy input on emissions budgets; (3-30-01)
- f.** Performing transportation modeling, regional emissions analyses, and project level analysis, as necessary; (3-30-01)
- g.** Documenting timely implementation of TCMs, as required, for determining conformity;

and (3-30-01)

**h.** Distributing relevant draft and final project environmental documents to ICC members and persons on the distribution list per the schedule in Subsection 570.01.c. (3-30-01)

**03. Non-MPO Area Responsibilities.** In areas without an established MPO, ITD shall be responsible for: (3-30-01)

**a.** Conformity determinations corresponding to STIPs and project-level analyses; (3-30-01)

**b.** Providing technical and policy input on proposed revisions to motor vehicle emissions factors and to emission budgets; (3-30-01)

**c.** Distributing relevant draft and final project environmental documentation prepared by, or for ITD, to ICC members and persons on the distribution list per the schedule in Subsection 570.01.c.; (3-30-01)

**d.** Convening air quality technical review meetings on specific projects when requested by other ICC members, or as needed; (3-30-01)

**e.** Convening interagency consultation meetings required for purposes of making conformity determinations in nonattainment or maintenance areas, outside of MPO boundaries, as necessary; (3-30-01)

**f.** Making conformity determinations in nonattainment or maintenance areas, outside of MPO boundaries, as necessary; and (3-30-01)

**g.** Implementing TCMs in air quality nonattainment and/or maintenance areas, as applicable. (3-30-01)

**04. FHWA And FTA Responsibilities.** FHWA and FTA shall be responsible for: (3-30-01)

**a.** Assuring timely action on final findings of conformity for transportation plans, TIPs, and federally funded projects, including the basis for those findings after consultation with other agencies as provided in Section 569 and 40 CFR 93.105; and (3-30-01)

**b.** Providing guidance on conformity and the transportation planning process to ICC members. FHWA and FTA may rely solely on the consultation process initiated by ITD or the MPO, where one exists, and shall not be required to duplicate that process. (3-30-01)

**05. EPA Responsibilities.** EPA shall be responsible for providing policy and technical guidance on conformity criteria to ICC members. (3-30-01)

**06. Responsibility To Disclose Potentially Regionally Significant Projects.** ITD, the local

highway jurisdiction, transit agency, or transportation project sponsor shall be responsible for disclosing potentially regionally significant projects within air quality nonattainment and maintenance areas to the ICC in a timely manner. (3-30-01)

**a.** Local Highway Jurisdictions shall disclose of potentially regionally significant projects upon written request of ITD within fourteen (14) days of such request, or when annual local and MPO project lists are due to ITD District Offices as part of the annual STIP development process; (3-30-01)

**b.** In an MPO area, to help assure timely disclosure, the sponsor of any potentially regionally significant project shall disclose such projects to the MPO annually on or before March 1 of that calendar year; and (3-30-01)

**c.** In MPO nonattainment and maintenance areas, the TIP and associated conformity demonstration shall be deemed to be incomplete if any regionally significant project has not been disclosed to the ICC in a timely manner. Therefore, such a TIP shall be considered to be non-conforming to applicable implementation plan(s). (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **570. GENERAL CONSULTATION PROCESS.**

Section 570 provides the general procedures for interagency consultation (federal, tribal, state, and local) and public participation for transportation conformity determinations in air quality nonattainment and maintenance areas in the state of Idaho. (3-30-01)

**01.** Lead Agency In Consultation. The following are the responsibilities of the lead agency at each stage of the consultation process: (3-30-01)

**a.** Initiating the consultation process by notifying other ICC members of the document or decision that must undergo the consultation process and by scheduling and convening consultation meetings and agendas; (3-30-01)

**b.** Developing and maintaining a distribution list of all ICC members and any other persons expressing an interest in receiving information and materials pertaining to ICC meetings; (3-30-01)

**c.** Distributing an agenda and all supporting material, including minutes of ICC meetings, to ICC members and persons on the distribution list as follows: (3-30-01)

i. Fourteen (14) days in advance of an ICC meeting if there are non-technical issues to be resolved by the ICC; (3-30-01)

ii. Thirty (30) days in advance of an ICC meeting if there are technical issues to be resolved by the ICC; or (3-30-01)

- iii. If distribution of technical material pursuant to Subsection 570.01.c.ii. is not feasible thirty (30) days prior to an ICC meeting, then the lead agency shall notify the ICC members and persons on the distribution list in writing at least thirty (30) days prior to the ICC meeting. Together with the notification, the lead agency shall distribute and disclose all available material and documentation to the ICC members and persons on the distribution list, informing them of the nature, purpose, and details of possible program changes that are expected to occur from earlier analyses of the actions. All technical material and documentation shall be distributed at a minimum of fourteen (14) days prior to the ICC meeting. (3-30-01)
  - d. Conferring with other agencies and persons not on the distribution list that have expressed an interest in the document or decision to be developed; (3-30-01)
  - e. Providing ICC members and persons on the distribution list access to all information needed for meaningful input; (3-30-01)
  - f. Soliciting early and continuing input from other ICC members and persons on the distribution list; (3-30-01)
  - g. Following the public consultation procedures outlined in Section 574; (3-30-01)
  - h. Providing an opportunity for informal question and answer on the draft document or proposed decision; (3-30-01)
  - i. Considering the views of ICC members and persons on the distribution list and responding in writing to significant comments in a timely and substantive manner prior to finalizing or taking any final action on those documents or determinations enumerated in Section 567.07.a. through 567.07.c.; and (3-30-01)
  - j. Assuring all comments and written responses of ICC members and persons on the distribution list are made part of the record of any action. (3-30-01)
- 02. Public Comment Period To Satisfy Thirty Day Document Distribution Requirement.** A lead agency may use all or any part of another public comment period established for public outreach procedures pursuant to 23 CFR 450 for a transportation plan, program, or project to satisfy the thirty (30) day advance distribution requirement for technical issues, and shall notify all ICC members and other persons on the distribution list when so doing fourteen (14) days prior to commencement of the public comment period. (3-30-01)
- 03. Separate Times Or In Combination.** The above actions may be conducted at separate times or in combination, as required, to enhance the efficiency of the process. (3-30-01)
- 04. Final Document Distribution.** A lead agency, upon completion of a final document subject to

the consultation process under Sections 563 through 574 of these rules (including any federal agency), shall distribute each final document to all other ICC members and persons on the distribution list within thirty (30) days of adopting or approving such document or making such determination. (3-30-01)

**05. Use Of Checklist For Distribution Of Material.** The lead agency may supply a checklist of available supporting information to ICC members and persons on the distribution list to be used to request all or part of the supporting information, in lieu of generally distributing all supporting information. (3-30-01)

**06. Use Of Other Meetings For Consultation.** A meeting that is scheduled or required for another purpose may be used for the purposes of consultation only if the public notice for the meeting identifies consultation as an agenda item. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **571. CONSULTATION PROCEDURES.**

The consultation process among ICC members and persons on the distribution list shall be undertaken for the following specific major activities (federal, tribal, state, and local), specific routine activities and specific air quality related activities, in accordance with the procedures in Section 570. Participating agencies shall be all ICC members unless otherwise specified in Subsections 571.01 through 571.04. (3-30-01)

**01. Specific Major Activities.** The consultation process shall be undertaken for the following specific major activities. The lead agency for each activity shall be the designated MPO or ITD in the absence of an MPO. (3-30-01)

**a.** Evaluating and choosing each air quality model and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses including vehicle miles traveled forecasting. The hot-spot analyses shall be performed consistent with procedures described in 40 CFR 93.116 and 40 CFR 93.123 and regional emissions analysis shall be performed using procedures outlined on 40 CFR 93.122. (3-30-01)

**b.** Determining which minor arterials and other transportation projects should be considered “regionally significant” for the purposes of regional emissions analysis, in addition to those functionally classified as principal arterial or higher or fixed guideway transit systems or extensions that offer an alternative to regional highway travel. (3-30-01)

**c.** Evaluating whether projects otherwise exempted from meeting the requirements of Sections 563 through 574 of these rules should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason per 40 CFR 93.126 and 127. (3-30-01)

**d.** Making a determination as to whether past obstacles to implementation of TCMs which

are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This consultation procedure shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs with other emission reduction measures. (3-30-01)

**e.** Identifying projects located at sites in PM nonattainment or maintenance areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM hot-spot analysis. In case a method for quantitative hot-spot analysis has not been formally adopted by EPA, a sound qualitative analysis developed in conjunction with FHWA may be used for the same. (3-30-01)

**f.** Making a determination whether the project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, and whether the project's design concept and scope have changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility. (3-30-01)

**g.** For areas in the state with no MPOs, making a determination whether a project has undergone project-level analysis and whether the project's design concept and scope have changed significantly from those which were included in the project-level analysis, or in a manner which would significantly impact use of the facility. (3-30-01)

**h.** Establishing appropriate public participation opportunities for project-level conformity determinations, as applicable, in the manner specified by Section 574, to be initiated by the recipient of the funds designated under 23 U.S.C. or the Federal Transit Act. (3-30-01)

**i.** Choosing conformity tests and methodologies for isolated and rural nonattainment and maintenance areas as required by 40 CFR 93.109(g)(2)(iii). (3-30-01)

**02. Specific Routine Activities.** The consultation process shall be undertaken for the following specific routine activities. The lead agency shall be the MPO or ITD in the absence of an MPO. (3-30-01)

**a.** Evaluating events that will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104. Participating agencies shall be the MPO and state, tribal, regional, and local air quality planning agencies. (3-30-01)

**b.** Consulting on emissions analysis for transportation activities that cross the borders of MPOs or nonattainment or maintenance areas. Participating agencies shall be the MPO and state, tribal, regional, and local air quality planning agencies. (3-30-01)

**c.** Determining whether the project sponsor or MPO has demonstrated that the requirements are satisfied without a particular mitigation, such as emissions offsets or other control measures, or determining that a conforming project approved with mitigation no longer requires mitigation. (3-30-01)

**d.** Assuring that plans for construction of regionally significant projects that are not FHWA/ FTA projects, including projects for which alternative locations, design concept and scope, or the no-build option are still being considered, are disclosed to the MPO or ITD in the absence of an MPO on a regular basis, and assuring that any changes to those plans are immediately disclosed. (3-30-01)

**e.** Determining whether a project, which was previously found to conform, has or will have a significant change in design concept and scope since the project plan and TIP conformity determination. (3-30-01)

**f.** Designing, scheduling, and funding of research and data collection effort pertaining to transportation or air quality planning with implications for transportation conformity. (3-30-01)

**g.** Reviewing and recommending regional transportation model development by the MPO (e.g., household/travel transportation surveys). (3-30-01)

**h.** Development of transportation improvement programs. (3-30-01)

**i.** Development of regional transportation plans. (3-30-01)

**j.** Consulting when the metropolitan planning area does not include the entire nonattainment area or maintenance area, for planning requirements which may fall under the jurisdiction of more than one (1) MPO or the MPO and ITD. (3-30-01)

**03.** Specific Air Quality Related Activities. The consultation process shall be undertaken when preparing an applicable implementation plan that includes the revision or addition of a motor vehicle emissions inventory and budget activities in accordance with the procedures in Section 570. Consultation is not required for administrative amendments that do not affect conformity. The lead agency for each activity shall be IDEQ or the MPO. In addition to the Section 570 consultation process, the lead agency shall undertake the following: (3-30-01)

**a.** Scheduling consultation meetings early in the process of decision on the applicable implementation plan, and prior to making a final recommendation to their management, committees, boards or commissions, for a final decision on such documents; (3-30-01)

**b.** Arranging for technical committees or teams to assist ICC members in reviewing documents provided by the lead agency. The lead agency may convene technical meetings as necessary; and (3-30-01)

c. Scheduling and conducting meetings of the ICC at regularly scheduled intervals, no less frequently than quarterly. (3-30-01)

d. The ICC may appoint subcommittees to address specific issues pertaining to applicable implementation plan development. Any recommendations of a subcommittee shall be considered by the ICC. (3-30-01)

**04.** Notification Process. The designated MPO, or ITD in the absence of an MPO, shall notify ICC members and persons on the distribution list of a transportation plan or TIP revisions that merely add or delete exempt projects listed in 40 CFR 93.126 early in the process of decision, and by supplying all relevant documents and information to the same. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **572. FINAL CONFORMITY DETERMINATIONS BY USDOT.**

Section 572 establishes the process USDOT shall follow when making final determinations on proposed or anticipated transportation actions subject to transportation conformity. (3-30-01)

**01.** Final Conformity Determination Process. USDOT will make making final determinations on proposed or anticipated STIP or transportation plan or project conformity by: (3-30-01)

a. Distributing a draft conformity determination to EPA for review and comment. USDOT shall allow a maximum of thirty (30) days for EPA to respond; and (3-30-01)

b. USDOT shall respond in writing to any significant comments raised by EPA within fourteen (14) days of receipt in writing before making a final decision. (3-30-01)

**02.** New Or Revised Information. If USDOT requests any new or revised information to support a STIP, TIP or transportation plan or project conformity determination, then USDOT shall either return the conformity determination for additional consultation pursuant to Section 570, or USDOT shall distribute the new information to the ICC members and persons on the distribution list for review and comment; (3-30-01)

a. When USDOT distributes such new or additional information to ICC members and persons on the distribution list, USDOT shall allow for a maximum of thirty (30) days for the lead agency to respond to any new or revised supporting information; and (3-30-01)

b. USDOT shall distribute a written response within fourteen (14) days of receipt to any significant comments raised by the ICC members and persons on the distribution list on the new or revised supporting information before making a final decision. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*



### **573. RESOLVING CONFLICTS.**

Conflicts between state agencies or between state agencies and the MPO regarding a determination of conformity, applicable implementation plan submittal, or other policy decision under Sections 563 through 574, shall be resolved in the following manner. (3-30-01)

**01. Conflict Resolution At The Level Of IDEQ Regions And ITD Districts.** Every effort shall be made to resolve any conflicts among state agencies or between state agencies and an MPO at the regional level. The regional administrator of IDEQ, the District Engineer of ITD and the other agency managers at the regional level of the affected jurisdictions, or their designated representatives shall be involved in conflict resolution at the regional level. (3-30-01)

**02. Conflict Resolution At The Level Of IDEQ And ITD Headquarters.** If conflict(s) are not resolved at the regional level, the issue shall be raised to the level of agency directors for resolution. (3-30-01)

**03. Conflict Resolution At The Governor's Level.** If conflict(s) are not resolved through Subsection 569.02, then IDEQ shall raise the conflict to the Governor, as follows: (3-30-01)

**a.** The IDEQ administrator shall request in writing that ITD or the MPO provide IDEQ with written notification of resolution of IDEQ's comments. ITD or the MPO shall provide IDEQ with the requested written notification within fourteen (14) days of receipt of IDEQ's written request. (3-30-01)

**b.** Within fourteen (14) days of its receipt of the requested written notification, IDEQ may appeal the conformity determination in writing to the Governor. If IDEQ appeals to the Governor, then the final conformity determination must have the concurrence of the Governor. If IDEQ does not appeal in writing to the Governor within fourteen (14) days of its receipt of written notification of resolution of its comments, then the lead transportation agency may proceed with the final conformity determination. (3-30-01)

**c.** The fourteen (14) days shall start on the date when the IDEQ administrator receives notification of the written resolution of his comments regarding a determination of conformity, applicable implementation plan submittal, or other decision under Sections 563 through 574. (3-30-01)

**04. Process For Conflict Resolution At The Governor's Level.** The Governor may delegate to another independent official or agency within the state his or her role in this process. The Governor may not delegate his or her role to the head or staff of the state air quality agency or any local air quality agency, ITD, a state transportation commission or board, any agency that has responsibility for any one (1) of these functions, or an MPO. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

### **574. PUBLIC CONSULTATION PROCEDURES.**

Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, reasonable public access to technical and policy information considered by the agency, and consistent with these requirements and those of 23 CFR 450. Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.95. In addition, these agencies must specifically address, in writing, all public comments relating to known plans for a regionally significant project, which is not receiving FHWA or FTA funding, or approval. This is especially important if the project's emissions have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law. (3-30-01)

*EPA Approval: 4/12/2001, 66 FR 18873; EPA Effective: 6/11/2001*

## **575. AIR QUALITY STANDARDS AND AREA CLASSIFICATION.**

Ambient Air Quality Standards. The purpose of Sections 575 through 587 is to establish air quality standards for the state of Idaho which define acceptable ambient concentrations consistent with established air quality criteria. (4-11-06)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **576. GENERAL PROVISIONS FOR AMBIENT AIR QUALITY STANDARDS.**

**01. Applicability.** The ambient air quality standards established herein shall apply to all of the state. (5-1-94)

**02. Standard Conditions.** Where applicable, air quality measurements shall be corrected to a reference temperature of twenty-five degrees Celsius (25C) and to a reference pressure of seven hundred and sixty (760) millimeters of mercury absolute. (5-1-94)

**03. Revisions.** As pertinent air quality criteria information becomes available, such information shall be considered and new or revised air quality standards promulgated as appropriate. (5-1-94)

**04. Control Of Unregulated Contaminants.** The absence of an air quality standard for a specific contaminant shall not preclude action by the Department to control such contaminants to assure the health, welfare and comfort of the people of the State. (5-1-94)

**05. Methods.** All measurement techniques for determining compliance with 40 CFR Part 50 shall be consistent with those specified in 40 CFR Parts 50 and 53. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **578. DESIGNATION OF ATTAINMENT, UNCLASSIFIABLE, AND NONATTAINMENT AREAS.**

**01. Annual Review.** The Department shall annually review the available ambient air quality data and when appropriate, redesignate areas as attainment, unclassifiable or nonattainment with the standards in 40 CFR Part 50. (5-1-94)

**02. Boundaries.** Boundaries for such areas will be based, as much as possible, on actual ambient concentrations and shall take into account such things as the location of air pollutant sources, modeled air quality concentrations, terrain, geographical boundaries and political jurisdictions. (5-1-94)

**03. Area Designation.** Designation of attainment and unclassifiable areas shall generally be made on a county basis. Redesignation of attainment or unclassifiable areas cannot intersect or be smaller than the area of impact of any major facility or major modification which establishes the baseline date or is subject to a PSD permit. (5-1-94)

**04. Redesignations.** Redesignations shall be adopted by the Department after public notice and opportunity for a public hearing and will be submitted by the Governor (or if delegated, the Director) to the U.S. Environmental Protection Agency. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **.579. BASELINES FOR PREVENTION OF SIGNIFICANT DETERIORATION.**

### **01. Baseline Date(s). (5-1-94)**

#### **a. Major Source Baseline Date. (4-11-15)**

- i. In the case of PM<sub>10</sub> and sulfur dioxide, January 6, 1975; (4-11-15)
- ii. In the case of nitrogen dioxide, February 8, 1988, and (4-11-15)
- iii. In the case of PM<sub>2.5</sub>, October 20, 2010. (4-11-15)

**b. Minor Source Baseline Date.** The earliest date after the trigger date on which a major stationary source or a major modification subject to prevention of significant deterioration (PSD) submits a complete application. The trigger date is: (4-5-00)

- i. In the case of PM<sub>10</sub> and sulfur dioxide, August 7, 1977; and (4-11-15)
- ii. In the case of nitrogen dioxide, February 8, 1988. (4-5-00)

iii In the case of PM<sub>2.5</sub>, October 20, 2011. (4-11-15)

**c.** The baseline date is established for each pollutant for which increments or other equivalent measures have been established if: (4-5-00)

i. The area in which the proposed source or modification would construct is designated as attainment or unclassifiable under Section 107(d) of the Clean Air Act for the pollutant on the date of its complete prevention of significant deterioration (PSD) application; and (4-5-00)

ii. In the case of a major stationary source, the pollutant would be emitted in significant amounts, or, in the case of a major modification, there would be a significant net emissions increase of the pollutant. (4-5-00)

**d.** Any minor source baseline date established originally for the TSP increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments, except that the Department may rescind any such minor source baseline date where it can be shown, to the satisfaction of the Department, that the emissions increase from the major stationary source, or the net emissions increase from the major modification, responsible for triggering that date did not result in a significant amount of PM-10 emissions. (4-5-00)

**02. Baseline Area.** Any intrastate area designated as attainment or unclassifiable under 42 U.S.C. Section 7407(d), in which the major facility or major modification establishing the minor source baseline date would construct or would have an air quality impact for the pollutant for which the baseline date is established, as follows: Equal to or greater than 1 µg/m<sup>3</sup> (annual average) for SO<sub>2</sub>, NO<sub>2</sub>, or PM<sub>10</sub>; or equal or greater than 0.3 µg/m<sup>3</sup> (annual average) for PM<sub>2.5</sub>. (4-11-15)

**03. Baseline Concentration.** The ambient concentration for a particular regulated air pollutant which exists in the applicable baseline area on the applicable minor source baseline date. (4-5-00)

**a.** The baseline concentration shall represent: (5-1-94)

i. The actual emissions from sources in existence on the applicable minor source baseline date; and (5-1-94)

ii. The allowable emissions of major facilities and major modifications which commenced construction before the applicable major source baseline date, but were not in operation by the applicable minor source baseline date. (5-1-94)

**b.** The baseline concentration shall not include the actual emissions of new major facilities and major modifications which commenced construction on or after the applicable major

source baseline date. (5-1-94)  
*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **580. CLASSIFICATION OF PREVENTION OF SIGNIFICANT DETERIORATION AREAS.**

### **01. Restrictions On Area Classification. (5-1-94)**

**a.** All of the following areas which were in existence on August 7, 1977, are Class I and may not be redesignated: (5-1-94)

- i. International parks; (5-1-94)
- ii. National wilderness areas which exceed five thousand (5,000) acres; (5-1-94)
- iii. National memorial parks which exceed five thousand (5,000) acres; (5-1-94)
- iv. National parks which exceed six thousand (6,000) acres. (5-1-94)

**b.** The following areas are Class II and may be redesignated only as Class I or II: (5-1-94)

- i. National monuments, national primitive areas, national preserves, national recreational areas, national wild and scenic rivers, national wildlife refuges, and national lakeshores or seashores which exceed ten thousand (10,000) acres; or (5-1-94)
- ii. National parks or national wilderness areas established after August 7, 1977, which exceed ten thousand (10,000) acres. (5-1-94)

**c.** All other areas in the State are Class II and may be redesignated Class I, II or III. (5-1-94)

### **02. Procedures For Redesignation Of Prevention Of Significant Deterioration (PSD)**

**Areas.** The Governor may submit to the U.S. Environmental Protection Agency a proposal to redesignate areas as a revision to the SIP. In preparing any such proposal the Department shall: (4-5-00)

- a.** Consult with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation; (5-1-94)
- b.** Prepare a discussion of the reasons for the proposed redesignation, including a satisfactory description and analysis of the health, environmental, economic, social and energy effects of the proposal. This document will be made available for public inspection at least thirty (30) days prior to the public hearing on the proposed redesignation and the

notice announcing the hearing will include notification of the availability of the document; (5-1-94)

**c.** Provide written notice to the appropriate Federal Land Manager of any federal lands proposed for redesignation and provide at least thirty (30) days for the Federal Land Manager to confer with the Department and to submit written comments and recommendations. If written comments and recommendations are submitted, the Department shall publish a list of any inconsistency between the proposed redesignation and the comments and recommendations, including the reasons for making a redesignation against the recommendation of the Federal Land Manager; (5-1-94)

**d.** Notify other states, Indian governing bodies, and federal land managers whose land may be affected by the proposed redesignation at least thirty (30) days prior to the public hearing; (5-1-94)

**e.** For a redesignation to Class III: After consulting with the appropriate committees of the legislature, if it is in session, or the leadership of the legislature, if it is not in session, obtain specific approval by the Governor and by all general purpose units of local government representing a majority of the residents of the area to be redesignated; demonstrate that the redesignation would not cause, or contribute to, violations of any ambient air quality standard, or violations of PSD increments in any other area; and make available, for public inspection prior to the public hearing, any permit application and accompanying material for any major facility or major modification which could only be permitted if the area were designated as Class III; and (5-1-94)

**f.** Hold at least one (1) public hearing on the proposed redesignation. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **581. PREVENTION OF SIGNIFICANT DETERIORATION (PSD) INCREMENTS.**

The purpose of Section 581 is to establish the allowable degree of deterioration for the areas within the State which have air quality better than the ambient standards. (5-1-94)

**01. Class I, II and III Areas.** Class I, II, and III area PSD increment requirements contained in 40 CFR 52.21(c) are incorporated by reference into these rules at Section 107. These CFR sections have been codified in the electronic CFR which is available at [www.gpoaccess.gov/ecfr](http://www.gpoaccess.gov/ecfr). (10-6-10)

**02. Exceedances.** For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) such period per year at any one (1) location. (5-1-94)

**03. Exclusions.** The following concentrations shall be excluded in determining compliance with the maximum allowable increases: (5-1-94)

- a.** Concentrations attributable to the increase in emissions from facilities which have converted from the use of petroleum products, natural gas, or both by reason of an order in effect under the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, over the emissions from such facilities before the effective date of such order or plan; this shall not apply more than five (5) years after the effective date of such order or plan; (5-1-94)
- b.** Concentrations of PM-10 attributable to the increase in emissions from construction or other temporary emission-related activities of new or modified facilities; (7-1-97)
- c.** The increase in concentrations attributable to new facilities outside the United States over the concentrations attributable to existing facilities which are included in the baseline concentration; and (5-1-94)
- d.** Concentrations attributable to the temporary increase in emissions of sulfur dioxide, nitrogen dioxide, or particulate matter from facilities which are affected by a revision to the SIP approved by the U.S. Environmental Protection Agency; this exclusion shall not exceed two (2) years unless a longer time is approved by the U.S. Environmental Protection Agency, is not renewable, and applies only to revisions which: (5-1-94)
  - i. Would not affect the applicable pollutant concentrations in a Class I area or an area where an applicable increment is known to be violated and would not cause or contribute to a violation of an ambient air quality standard; and (4-11-06)
  - ii. Require limitations to be in effect at the end of the approved time period which would ensure that the emissions from facilities affected by the revision would not exceed those concentrations occurring before the revision was approved. (5-1-94)

*EPA Approval: 7/17/2012, 77 FR 41916; EPA Effective: 8/16/2012*

## **600. RULES FOR CONTROL OF OPEN BURNING.**

The purpose of Sections 600 through 623 is to reduce the amount of emissions and minimize the impact of open burning to protect human health and the environment from air pollutants resulting from open burning as well as to reduce the visibility impairment in mandatory Class I Federal Areas in accordance with the regional haze long-term strategy referenced at Section 667. (4-2-08)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

## **601. FIRE PERMITS, HAZARDOUS MATERIALS AND LIABILITY.**

Compliance with the provisions of Sections 600 through 623 does not exempt or excuse any person from complying with applicable laws and ordinances of other jurisdictions responsible for fire control or hazardous material disposal or from liability for damages or injuries which may

result from open burning. (4-2-08)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

## **602. NONPREEMPTION OF OTHER JURISDICTIONS.**

The provisions of Sections 600 through 623 are not intended to interfere with the rights of any city, county or other governmental entities or agencies to provide equal or more stringent control of open burning within their respective jurisdictions. (4-2-08)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

## **603. GENERAL RESTRICTIONS.**

**01. Categories and Materials.** No person shall allow, suffer, cause or permit any open burning operation unless it is a category of open burning set forth in Sections 600 through 623 and the materials burned do not include any of the following: (4-2-08)

- a. Garbage, as defined in Section 006. (3-21-03)
- b. Dead animals, animal parts, or animal wastes (feces, feathers, litter, etc.) except as provided in Section 616. (3-21-03)
- c. Motor vehicles, parts, or any materials resulting from a salvage operation. (3-21-03)
- d. Tires or other rubber materials or products. (3-21-03)
- e. Plastics. (3-21-03)
- f. Asphalt or composition roofing or any other asphaltic material or product. (3-21-03)
- g. Tar, tar paper, waste or heavy petroleum products, or paints. (3-21-03)
- h. Lumber or timbers treated with preservatives. (3-21-03)
- i. Trade waste, as defined in Section 006, except as specifically allowed under Sections 600 through 623. (4-2-08)
- j. Insulated wire. (3-21-03)
- k. Pathogenic wastes. (3-21-03)
- l. Hazardous wastes. (3-21-03)

**02. Air Pollution Episodes.** No person shall allow, suffer, cause or permit any open burning to be initiated during any stage of an air pollution episode declared by the Department in



accordance with Sections 550, through 562. (3-21-03)

**03. Emergency Authority.** In accordance with Title 39, Chapter 1, Idaho Code, the Department has the authority to require immediate abatement of any open burning in cases of emergency requiring immediate action to protect human health or safety. (3-21-03)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

#### **606. CATEGORIES OF ALLOWABLE BURNING.**

The purpose of Sections 606 through 623 is to establish categories of open burning that are allowed when done according to prescribed conditions. Unless specifically exempted each category in Sections 606 through 623 is subject to all of the provisions of Sections 600 through 605. (4-2-08)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

#### **607. RECREATIONAL AND WARMING FIRES.**

Fires used for the preparation of food or for recreational purposes (e.g. campfires, ceremonial fires, and barbecues) or small fires set for handwarming purposes, are allowable forms of open burning. (3-21-03)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

#### **608. WEED CONTROL FIRES.**

Open outdoor fires used for the purpose of weed abatement such as along fence lines, canal banks, and ditch banks is an allowable forms of open burning. (5-1-94)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

#### **609. TRAINING FIRES.**

Fires used by qualified personnel to train firefighters in the methods of fire suppression and fire fighting techniques, or to display certain fire ecology or fire behavior effects are allowable forms of open burning. Training facilities shall notify the Department prior to igniting any training fires. Training fires shall not be allowed to smolder after the training session has terminated. Training fires are exempt from Subsections 603.01.c. and 603.01.e. through 603.01.j. (3-21-03)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

#### **610. INDUSTRIAL FLARES.**

Industrial flares, used for the combustion of flammable gases are allowable forms of open burning. Industrial flares are subject to permitting requirements in Sections 200 through 223. (3-21-03)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

## **611. RESIDENTIAL SOLID WASTE DISPOSAL FIRES.**

**01. Fires Allowed.** Open outdoor fires used to dispose of solid waste (e.g. rubbish, tree leaves, yard trimmings, gardening waste, etc.) excluding garbage produced by the operation of a domestic household is an allowable form of open burning when the following provisions are met: (5-1-94)

a. No scheduled house to house solid waste collection service is available; and (5-1-94)

b. The burning is conducted on the property where the solid waste was generated. (5-1-94)

**02. Fires Exempt.** Open outdoor fires used to dispose of tree leaves, gardening waste or yard trimmings are exempt from Subsection 611.01.a. when conducted in accordance with local governmental ordinances or rules which allow for the open burning of tree leaves, gardening waste or yard trimming during certain periods of the year. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **612. LANDFILL DISPOSAL SITE FIRES.**

The use of fires for the disposal of solid waste at any solid waste landfill disposal site or facility is an allowable form of open burning only if conducted in accordance with IDAPA 58.01.06, "Solid Waste Management Rules and Standards" or the Solid Waste Facilities Act, Chapter 74, Title 39, Idaho Code. (3-21-03)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

## **613. ORCHARD FIRES.**

The use of heating devices to protect orchard crops from frost damage and the use of fires to dispose of orchard clippings are allowable forms of open burning when the following provisions are met: (3-21-03)

**01. Open-Pot Heaters.** The use of stackless open-pot heaters is prohibited. (5-1-94)

**02. Heating Device Opacity.** Orchard heating device with visible emissions exceeding forty percent (40%) opacity at normal operating conditions shall not be used. Opacity shall be determined by the procedures contained in Section 625. (3-21-03)

**03. Heating Device Emissions.** All heaters purchased after September 21, 1970, shall emit no more than one (1.0) gram per minute of solid carbonaceous matter at normal operating conditions as certified by the manufacturer. At the time of purchase, the seller shall certify in writing to the purchaser that all new equipment is in compliance with Section 613. (3-21-03)

**04. Orchard Clippings.** The open burning of orchard clippings shall be conducted on the property where the clippings were generated. (5-1-94)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

#### **614. PRESCRIBED BURNING.**

The use of open outdoor fires to obtain the objectives of prescribed fire management burning is an allowable form of open burning when the provisions of Section 614 are met. (5-1-94)

##### **01. Burning Permits Or Prescribed Fire Plans.**

a. Whenever a burning permit or prescribed fire plan is required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all permit and/or plan conditions and terms which control smoke. (5-1-94)

b. The Department will seek interagency agreements to assure permits or plans issued by agencies referred to in Subsection 614.01.a. provide adequate consideration for controlling smoke from prescribed burning. (5-1-94)

##### **02. Smoke Management Plans For Prescribed Burning.**

a. Whenever a permit or plan is not required by the Department of Lands, U.S.D.A. Forest Service, or any other state or federal agency responsible for land management, any person who conducts or allows prescribed burning shall meet all conditions set forth in a Smoke Management Plan for Prescribed Burning. (5-1-94)

b. The Department will develop and put into effect a Smoke Management Plan for Prescribed Burning consistent with the purpose of Sections 600 through 616. (5-1-94)

##### **03. Rights-Of-Way Fires.**

The open burning of woody debris generated during the clearing of rights of way shall be open burned according to Sections 38-101 and 38-401, Idaho Code, IDAPA 20 Title 16 and Sections 606 through 616 of these rules. (5-1-94)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

#### **615. DANGEROUS MATERIAL FIRES.**

Fires used or permitted by a public or military fire chief to dispose of materials (including military ordnance) which present a danger to life, valuable property or the public welfare, or for the purpose of prevention of a fire hazard when no practical alternative method of disposal or removal is available are allowable forms of open burning. (3-21-03)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

#### **616. INFECTIOUS WASTE BURNING.**

Upon the order of a public health officer, fires used to dispose of diseased animals or infested

material are an allowable form of open burning and exempt from Subsection 603.01.k. (3-21-03)  
*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

#### **617. CROP RESIDUE.**

The open burning of crop residue on fields where the crops were grown is an allowable form of open burning if conducted in accordance with Section 39-114, Idaho Code, and Sections 618 through 624 of these rules. (7-1-11)

*EPA Approval: 3/19/2013, 78 FR 16790; EPA Effective: 4/18/2013*

#### **618. PERMIT BY RULE.**

**01. General Requirements.** All persons shall be deemed to have a permit by rule if they comply with all the provisions of Sections 618 through 623. No person shall conduct an open burn of crop residue without obtaining the applicable permit by rule. Those persons applying for a spot burn, baled agricultural residue burn, or propane flaming permit shall comply with the provisions in Section 624. The permit by rule does not relieve the applicant from obtaining all other required permits and approvals required by other state and local fire agencies or permitting authorities. (7-1-11)

**02. Forms.** The Department shall provide the appropriate forms to complete the permit by rule. Forms may be available at the Department offices or on the Department website. (4-2-08)

*EPA Approval: 3/19/2013, 78 FR 16790; EPA Effective: 4/18/2013*

#### **619. REGISTRATION FOR PERMIT BY RULE.**

Any person applying to burn crop residue shall annually provide the following registration information to the Department at least thirty (30) days prior to the date the applicant proposes to burn: (4-2-08)

**01. Location of Property.** Street address of the property upon which the proposed burning of crop residue will occur or, if there is no street address of the property, the legal description of the property using longitude and latitude coordinates or township, range and section for the Idaho meridian; (4-2-08)

**02. Applicant Information.** Name, mailing address, and telephone number of the applicant, and the person who will be responsible for conducting the proposed burning of crop residue and the portable form of communication referenced in Subsection 622.01.c.; (4-2-08)

**03. Plot Plan.** A plot plan showing the location of each proposed crop residue burning area in relation to the property lines and indicating the distances and directions of the nearest residential, public, and commercial properties, and roads; (4-2-08)

**04. Type, Acreage and Fuel Characteristics of Crop Residue Proposed to be Burned.** The

crop type, area over which burning will be conducted (acres), and other fuel characteristics; (4-2-08)

**05. Preventive Measures.** A description of the measures that will be taken to prevent escaped burns or withhold additional material such that the fire burns down, including but not limited to, the availability of water and plowed firebreaks; and (4-2-08)

**06. Date of Burning.** The requested date(s) when the proposed crop residue burning would be conducted or the proposed date the field will be available to be burned. (4-2-08)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

## **620. REGISTRATION FEE.**

**01. Payment of Fee.** The burn fee in Section 39-114, Idaho Code, shall be paid in its entirety within thirty (30) days following the receipt of the annual burn fee invoice. See also Subsection 624.02.a. for registration and fee requirements for burning under a spot and baled agricultural residue burn permit. The burn fee should be sent to:

Crop Residue Burn Fee

Fiscal Office

Idaho Department of Environmental Quality

1410 N. Hilton, Boise, ID 83706-1255 (4-11-19)

**02. Effect of Payment.** The Department shall not accept or process a registration for a permit by rule to burn for any person having burn fees delinquent, in full or in part. (4-11-19)

*EPA Approval: 12/9/2019, 84 FR 67189; EPA Effective: 1/8/2020*

## **621. BURN DETERMINATION.**

**01. Burn Approval Criteria.** The Department shall develop a Crop Residue Operating Guide to use in assisting in the determination of burn approvals. The permittee shall obtain initial approval from the Department for the proposed burn at least twelve (12) hours in advance of the burn. The permittee shall confirm, with the Department, the approval the morning of the proposed burn. The Department may shorten this time frame if meteorological or other applicable conditions change that will impact the air quality during the proposed burn period. To approve a permittee's request to burn, the Department must determine that ambient air quality levels do not exceed ninety percent (90%) of the ozone national ambient air quality standard (NAAQS) and seventy-five percent (75%) of the level of any other NAAQS on any day and are not projected to exceed such level over the next twenty-four (24) hours, and ambient air quality levels have not reached, and are not forecasted to reach and persist at, eighty percent (80%) of the one (1) hour action criteria for particulate matter under Section 556 of these rules. In making this determination, the Department shall consider the following: (3-28-18)

*EPA Approval: 6/19/2018, 83 FR 28382; EPA Effective: 7/19/2018*

- a. Expected Emissions. Expected emissions from all burns proposed for the same dates; (4-2-08)
- b. Proximity of Other Burns. The proximity of other burns and other potential emission sources within the area to be affected by the proposed burn; (4-2-08)
- c. Moisture Content. Moisture content of the material to be burned; (4-2-08)
- d. Acreage, Crop Type, and Fuel Characteristics. Acreage, crop type, and fuel characteristics to be burned; (4-2-08)
- e. Meteorological Conditions. Meteorological conditions; (4-2-08)
- f. Proximity to Institutions with Sensitive Populations. The proximity of the burn to institutions with sensitive populations, including public schools while in session; hospitals; residential health care facilities for children, the elderly or infirm; and other institutions with sensitive populations as approved by the Department. The Department shall not authorize a burn if conditions are such that institutions with sensitive populations will be adversely impacted or when the plume is predicted to impact such institutions; (4-2-08)
- g. Proximity to Public Roadways. Proximity to public roadways; (4-2-08)
- h. Proximity to Airports. Proximity to airports; and (4-2-08)
- i. Other Relevant Factors. Any other factors relevant to preventing exceedances of the air quality concentrations of Section 621. (4-2-08)

**02. Notification of Approval.** If the Department approves the burn, then it will post on its website written notification of the approval and any specific conditions under which the burn is approved. Special conditions may include, but are not limited to: (4-2-08)

- a. Conditions for burns near institutions with sensitive populations; (4-2-08)
- b. The requirement to withhold additional material such that the fire burns down if the Department determines pollutant concentrations reach the levels in Subsection 621.01; (4-2-08)
- c. Conditions to ensure the burn does not create a hazard for travel on a public roadway; and (4-2-08)
- d. The requirement to consult with the Department to determine actions to be taken if conditions at the burn site fail to satisfy the conditions specified in the notice of approval to burn. (4-2-08)

## **622. GENERAL PROVISIONS.**

**01. Burn Provisions.** All persons in Idaho intending to dispose of crop residue through burning shall abide by the following provisions; (4-2-08)

- a. Burning Prohibitions.** Burning of crop residue shall not be conducted on weekends, federal or state holidays, or after sunset or before sunrise: (4-2-08)
- b. Designated Burn Day.** Burning of crop residue shall not be conducted unless the Department has designated that day a burn day and the permittee has received individual approval specifying the conditions under which the burn may be conducted; (4-2-08)
- c. Portable Form of Communication.** The person conducting the burning must have on their possession a portable form of communication such as a cellular phone or radio of compatible frequency with the Department in order to receive burn approval information or information that might require measures to withhold additional material such that the fire burns down; (4-2-08)
- d. Location of Field Burning.** Open burning of crop residue shall be conducted in the field where it was generated: (4-2-08)
- e. Limitations on Burning.** When required by the conditions of the notice of approval to burn, the permittee burning in proximity to institutions with sensitive populations shall immediately extinguish the fire or withhold additional material such that the fire burns down, unless the Department determines that the burn will not have an adverse impact on such institutions: (4-2-08)
- f. Training Session.** All persons intending to burn crop residue shall attend a crop residue burning training session provided by the Idaho Department of Environmental Quality or the Idaho State Department of Agriculture and shall attend a crop residue disposal refresher training session every five (5) years; (4-2-08)
- g. Air Stagnation or Degraded Air Quality.** All field burning shall be prohibited when the Department issues an air quality forecast and caution, alert, warning or emergency as identified in Section 552 of these rules: (4-2-08)
- h. Allowable Forms of Open Burning.** The use of reburn machines, propane flamers, or other portable devices to ignite or reignite a field for the purposes of crop residue burning shall be considered an allowable form of open burning. Tires and other restricted material described in Section 603.01 are not allowed for ignition of fields: (4-2-08)
- i. Additional Burn Permits.** All persons intending to burn crop residue shall obtain any

additional applicable permits from federal, state or local fire control authorities prior to receiving approval from the Department to burn crop residue; and (4-2-08)

**j. Reporting to the Department.** All persons burning crop residue shall report to the Department the date burning was conducted, the actual number and location of acres burned, and other information as required by the Department. The Department may restrict further burning by a permittee until completed burns are reported. (4-2-08)

**k. Specific Conditions.** The open burning of crop residue shall be conducted in accordance with the specific conditions in the permittee's permit by rule. (4-2-08)

**02. Annual Report.** The Department shall develop an annual report that shall include, at a minimum, an analysis of the causes of each exceedance of a limitation in Section 621, if any, and an assessment of the circumstances associated with any reported endangerment to human health associated with a burn. The report shall include any proposed revisions to these rules or the Crop Residue Operating Guide deemed necessary to prevent future exceedances. (4-2-08)

**03. Advisory Committee.** The Department will assemble an advisory committee consisting of representatives from environmental organizations, farming organizations, health organizations, tribal organizations, the Idaho State Department of Agriculture, the Idaho Department of Environmental Quality, and others to discuss open burning of crop residue issues. (4-2-08)

*EPA Approval: 3/19/2013, 78 FR 16790; EPA Effective: 4/18/2013*

## **623. PUBLIC NOTIFICATION.**

**01. Designation of Burn Days.** The Director or his designee shall designate for a given county or airshed within a county burn or no burn days. (4-2-08)

**02. Posting on Website.** The Department shall post daily on its website ([www.deq.idaho.gov](http://www.deq.idaho.gov)): (7-1-11)

**a.** Whether a given day is a burn or no burn day; (4-2-08)

**b.** The location and number of acres permitted to be burned; (4-2-08)

**c.** Meteorological conditions and any real time ambient air quality monitoring data; and (4-2-08)

**d.** A toll free number to receive requests for information (1-800-345-1007). (7-1-11)

**03. E-Mail Update Service.** The Department shall provide an opportunity for interested persons to sign up to receive automatic e-mail updates for information regarding the open burning of crop residue. (4-2-08)

*EPA Approval: 3/19/2013, 78 FR 16790; EPA Effective: 4/18/2013*



## **624. SPOT BURN, BALED AGRICULTURAL RESIDUE BURN, AND PROPANE FLAMING PERMITS.**

Note: Adoption of Section 624 does not in itself authorize the open burning of crop residue in Idaho. Before burning under Section 624 can be conducted, several actions must take place, including development of a revised State Implementation Plan (SIP) and approval of the SIP by the U.S. Environmental Protection Agency (EPA). Prior to EPA SIP approval, those desiring to conduct spot burns, baled agricultural residue burns, or propane flaming must obtain a permit by rule in accordance with Sections 618 through 623. Contact DEQ before burning. (7-1-11)

### **01. Applicability.**

- a. Spot Burn.** A spot burn includes no more than one (1) acre of evenly distributed crop residue or two (2) tons of piled crop residue. The open burning of weed patches, spots of heavy residue, equipment plugs and dumps, pivot corners of fields, and pastures may constitute a spot burn. Spot burn does not include the open burning of wind rows. (7-1-11)
- b. Baled Agricultural Residue Burn.** An open burn used to dispose of broken, mildewed, diseased, or otherwise pest-ridden bales still in the field where they were generated. (7-1-11)
- c. Propane Flaming.** The use of flame-generating equipment to briefly apply flame and/or heat to the topsoil of a cultivated field of pre-emerged or plowed-under crop residue with less than five hundred fifty (550) pounds of burnable, non-green residue per acre in order to control diseases, insects, pests, and weed emergence. (7-1-11)

### **02. Spot and Baled Agricultural Residue Burn Permit.**

- a. Registration and Fee Requirements.** Any person applying for a spot and baled agricultural residue burn permit under Section 624 shall provide the registration information listed in Subsections 619.01 and 619.02 and pay a nonrefundable fee of twenty dollars (\$20) to the Department (see Section 620) at least fourteen (14) days prior to the date the applicant proposes to conduct the first burn of the calendar year. (7-1-11)
- b. Term and Acreage.** A spot and baled agricultural residue burn permit is valid for the calendar year in which it is issued and is good for a cumulative total of no more than ten (10) acres of spots and/or equivalent piled or baled agricultural residue during the year and no more than one (1) acre of spots and/or equivalent piled or baled agricultural residue per day. Two (2) tons of piled or baled agricultural residue is assumed to be equivalent to one (1) acre. (7-1-11)

**03. Propane Flaming Permit.** Persons conducting propane flaming as defined under Subsection 624.01.c. shall be deemed to have a permit by rule if they comply with the applicable provisions in Subsections 624.04 and 624.05. (7-1-11)

**04. General Provisions.** All persons intending to burn under Section 624 shall comply with the provisions of Subsections 622.01.c., 622.01.d., 622.01.f., through 622.01.i., and 622.01.k. in addition to the following: (7-1-11)

- a.** The permittee is responsible to ensure that adequate measures are taken so the burn does not create a hazard for travel on a public roadway. (7-1-11)
- b.** Burning is not allowed if the proposed burn location is within three (3) miles of an institution with a sensitive population and the surface wind speed is greater than twelve (12) miles per hour or if the smoke is adversely impacting or is expected to adversely impact an institution with a sensitive population. (7-1-11)
- c.** Designated Burn Day. Burning shall not be conducted unless the Department has designated that day a burn day, which for purposes of Section 624 may include weekends and holidays, and the permittee burns within the burn window provided on the Department's website at [www.deq.idaho.gov](http://www.deq.idaho.gov). Spot and baled agriculture residue burns shall not smolder and create smoke outside of the designated time period burning is allowed. (7-1-11)

**05. Recordkeeping.** Permittees shall record the date, time frame, type of burn, type of crop, and amount burned on the date of the burn. Records of such burns shall be retained for two (2) years and made available to the Department upon request. (7-1-11)

*EPA Approval: 3/19/2013, 78 FR 16790; EPA Effective: 4/18/2013*

## **625. VISIBLE EMISSIONS.**

A person shall not discharge any air pollutant into the atmosphere from any point of emission for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than twenty percent (20%) opacity as determined by this section. (4-5-00)

**01. Exemptions.** The provisions of this section shall not apply to: (4-5-00)

- a.** Kraft Process Lime Kilns, if operating prior to January 24, 1969; or (5-1-94)
- b.** Carbon Monoxide Flare Pits on Elemental Phosphorous Furnaces, if operating prior to January 24, 1969; or (5-1-94)
- c.** Liquid Phosphorous Loading Operations, if operating prior to January 24, 1969; or (5-1-94)
- d.** Wigwam Burners; or (5-1-94)
- e.** Kraft Process Recovery Furnaces. (5-1-94)
- f.** Calcining Operations Utilizing an Electrostatic Precipitator to Control Emissions, if

operating prior to January 24, 1969. (5-1-94)

**02. Standards For Exempted Sources.** Except as provided in Section 626, for sources exempted from the provisions of this section, a person shall not discharge into the atmosphere from any point of emission, for any air pollutant for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than forty percent (40%) opacity as determined by this section. (4-5-00)

**03. Exception.** The provisions of this section shall not apply when the presence of uncombined water, nitrogen oxides and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this rule. (4-5-00)

**04. Test Methods And Procedures.** The appropriate test method under this section shall be EPA Method 9 (contained in 40 CFR Part 60) with the method of calculating opacity exceedances altered as follows: (4-5-00)

**a.** Opacity evaluations shall be conducted using forms available from the Department or similar forms approved by the Department. (4-5-00)

**b.** Opacity shall be determined by counting the number of readings in excess of the percent opacity limitation, dividing this number by four (4) (each reading is deemed to represent fifteen (15) seconds) to find the number of minutes in excess of the percent opacity limitation. This method is described in the Procedures Manual for Air Pollution Control, Section II (Evaluation of Visible Emissions Manual), September 1986. (4-5-00)

**c.** Sources subject to New Source Performance Standards must calculate opacity as detailed above and as specified in 40 CFR Part 60. (4-5-00)

**05. Applicability.** Section 625 shall not apply to the open burning of crop residue. (4-2-08)

*EPA Approval: 8/1/2008, 73 FR 44915; EPA Effective: 9/2/2008*

## **626. GENERAL RESTRICTIONS ON VISIBLE EMISSIONS FROM WIGWAM BURNERS.**

Except for a period of one (1) hour following start up a person shall not discharge into the atmosphere from any wigwam burner any air pollutant for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period which is greater than twenty percent (20%) opacity as determined by the procedures contained in Section 625. (4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **650. RULES FOR CONTROL OF FUGITIVE DUST.**

The purpose of Sections 650 through 651 is to require that all reasonable precautions be taken to prevent the generation of fugitive dust. (5-1-94)

## **651. GENERAL RULES.**

All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. In determining what is reasonable, consideration will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities, the proximity to mandatory Class I Federal Areas and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions may include, but are not limited to, the following:

(3-30-07)

**01. Use of Water or Chemicals.** Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land. (5-1-94)

**02. Application of Dust Suppressants.** Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust. (5-1-94)

**03. Use of Control Equipment.** Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations. (5-1-94)

**04. Covering of Trucks.** Covering, when practical, open bodied trucks transporting materials likely to give rise to airborne dusts. (5-1-94)

**05. Paving.** Paving of roadways and their maintenance in a clean condition, where practical. (5-1-94)

**06. Removal of Materials.** Prompt removal of earth or other stored material from streets, where practical. (5-1-94)

*EPA Approval: 6/9/2011, 76 FR 33647; EPA Effective: 7/11/2011*

## **665. REGIONAL HAZE RULES.**

The purpose of Sections 665 through 668 is to address regional haze visibility impairment in mandatory Class I Federal Areas. The intent of Sections 665 through 668 is to set forth the requirements to implement the federal programs for visibility protection and regional haze. (3-30-07)

*EPA Approval: 6/9/2011, 76 FR 33647; EPA Effective: 7/11/2011*

## **666. REASONABLE PROGRESS GOALS.**

The Department will establish reasonable progress goals, expressed in deciviews for each

mandatory Class I Federal Area located within Idaho. These goals will provide for reasonable progress toward achieving natural visibility conditions. The reasonable progress goals must provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period. The reasonable progress goals are not directly enforceable, but will be implemented through enforceable strategies in the long-term strategy. (3-30-07)

**01. Process for Setting Reasonable Progress Goals.** In establishing a reasonable progress goal for any mandatory Class I Federal Area within Idaho, the Department shall: (3-30-07)

- a. Consider the costs of compliance, the time necessary for compliance, the energy and non-air quality environmental impacts of compliance, and the remaining useful life of any potentially affected sources, and include a demonstration showing how these factors were taken into consideration in selecting the goal. (3-30-07)
- b. Analyze and determine the rate of progress needed to attain natural visibility conditions by the year 2064. To calculate this rate of progress, the Department will compare baseline visibility conditions to natural visibility conditions in the mandatory Class 1 Federal Area and determine the uniform rate of visibility improvement (measured in deciviews) that would need to be maintained during each implementation period in order to attain natural visibility conditions by 2064. In establishing the reasonable progress, the Department will consider the uniform rate of improvement in visibility and the emission reduction measures needed to achieve it for the period covered by the implementation plan. (3-30-07)
- c. Consult with those states which may reasonably be anticipated to cause or contribute to visibility impairment in the mandatory Class I Federal Area. (3-30-07)

**02. Justification for Reasonable Progress Goals.** If the Department establishes a reasonable progress goal that provides for a slower rate of improvement in visibility than the rate that would be needed to attain natural conditions by 2064, the Department will demonstrate, based on the factors in Subsection 666.01.a., that the rate of progress for the implementation plan to attain natural conditions by 2064 is not reasonable; and that the progress goal adopted by the Department is reasonable. The Department will provide to the public for review, as part of its implementation plan, an assessment of the number of years it would take to attain natural conditions if visibility improvement continues at the rate of progress selected by the Department as reasonable. (3-30-07)

*EPA Approval: 6/9/2011, 76 FR 33647; EPA Effective: 7/11/2011*

## **667. LONG-TERM STRATEGY FOR REGIONAL HAZE.**

The purpose of Section 667 is to develop a long-term strategy for making reasonable progress toward the national goal of preventing any future and remedying any existing impairment of visibility in mandatory Class I Federal Areas in which impairment results from man-made air pollution. (3-30-07)

**01. Submittal of Long-Term Strategy.** The Department will submit to EPA a long-term strategy that addresses regional haze visibility impairment for each mandatory Class I Federal Area within the state and for each mandatory Class I Federal Area located outside the state which may be affected by emissions from the state. (3-30-07)

**02. Enforceable Emission Limitations.** The long-term strategy must include enforceable emissions limitations, compliance schedules, and other measures as necessary to achieve the reasonable progress goals established by the Department. (3-30-07)

**03. Requirements for Long-Term Strategy.** In establishing long-term strategy for regional haze, the Department will meet the following requirements: (3-30-07)

a. The Department will document the technical basis, including modeling, monitoring and emissions information, on which the state is relying to determine its apportionment of emission reduction obligations necessary for achieving reasonable progress in each mandatory Class I Federal Area it affects. The Department may meet this requirement by relying on technical analyses developed by the regional planning organization and approved by all state participants. The Department will identify the baseline emission inventory on which its strategies are based. The baseline emissions inventory year is presumed to be the most recent year of the consolidated periodic emissions inventory. (3-30-07)

b. The Department will identify all anthropogenic sources of visibility impairment considered by the Department in developing its long-term strategy. The Department should consider major and minor stationary sources, mobile sources, and area sources. (3-30-07)

c. The Department will consider, at a minimum, the following factors in developing its long-term strategy: (3-30-07)

i. Emission reductions due to ongoing air pollution control programs, including measures to address reasonably attributable visibility impairment; (3-30-07)

ii. Measures to mitigate the impacts of construction activities; (3-30-07)

iii. Emissions limitations and schedules for compliance to achieve the reasonable progress goal; (3-30-07)

iv. Source retirement replacement schedules; (3-30-07)

v. Smoke management techniques for agricultural and forestry management purposes including plans as currently exist with the state for these purposes; (3-30-07)

vi. Enforceability of emissions limitations and control measures; and (3-30-07)

vii. The anticipated net effect on visibility due to projected changes in point, area, and mobile source emissions over the period addressed by the long-term strategy. (3-30-07)

**04. Interstate Consultation.** The Department will undertake the following process in developing the long-term strategy where interstate consultation is required. (3-30-07)

**a.** Where Idaho has emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal Area located in another state or states, the Department will consult with the other state(s) in order to develop coordinated emission management strategies. (3-30-07)

**b.** The Department will consult with any other state having emissions that are reasonably anticipated to contribute to visibility impairment in any mandatory Class I Federal Area within Idaho. (3-30-07)

**c.** Where other states cause or contribute to impairment in a mandatory Class I Federal Area, the Department must demonstrate that the state has included in its implementation plan all measures necessary to obtain its share of the emission reductions needed to meet the progress goal for the area. If the state of Idaho has participated in a regional planning process, the Department must ensure the state has included all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process. (3-30-07)

*EPA Approval: 6/9/2011, 76 FR 33647; EPA Effective: 7/11/2011*

#### **668. BART REQUIREMENT FOR REGIONAL HAZE.**

The purpose of Section 668 is to implement the BART requirements in 40 CFR 51.308(e). The following analysis and documentation is required for each BART-eligible source: (3-30-07)

**01. BART-Eligible Sources.** The Department shall identify a list of all BART-eligible sources within the state. (3-30-07)

**02. BART Determination.** The Department shall complete a determination of BART for each BART-eligible source in the state that emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any mandatory Class I Federal Area. All such sources are subject to BART. (3-30-07)

**a.** A single source that is responsible for a one (1.0) deciview change or more in any mandatory Class I Federal Area is considered to “cause” visibility impairment. (3-30-07)

**b.** A single source that is responsible for a one-half (0.5) deciview change or more in any mandatory Class I Federal Area is considered to “contribute” to visibility impairment. (3-30-07)

c. The determination of BART must be based on an analysis of the best system of continuous emission control technology available and associated emission reductions achievable for each BART-eligible source that is subject to BART within the state. In this analysis, the following must be taken into consideration: (3-30-07)

i. Costs of compliance; (3-30-07)

ii. Energy and non-air quality environmental impacts of compliance; (3-30-07)

iii. Any pollution control equipment in use at the source; (3-30-07)

iv. The remaining useful life of the source; and (3-30-07)

v. The degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. (3-30-07)

d. The Department may determine that a BART determination is not required: (3-30-07)

i. For sulfur dioxide (SO<sub>2</sub>) or for nitrogen oxides (NO<sub>x</sub>) if a BART-eligible source has the potential to emit less than forty (40) tons per year of such pollutant(s); or (3-30-07)

ii. For PM<sub>10</sub> if a BART-eligible source emits less than fifteen (15) tons per year of such pollutant. (3-30-07)

**03. Alternative to Infeasible Emission Standards.** If the Department determines in establishing BART that technological or economic limitations on the applicability of measurement methodology to a particular source would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice, or other operational standard, or combination thereof, to require the application of BART. Such standard, to the degree possible, is to set forth the emission reduction to be achieved by implementation of such design, equipment, work practice, or operation and must provide for compliance by means which achieve equivalent results. (3-30-07)

**04. BART Installation and Operation Due Date.** Each source subject to BART is required to install and operate BART as expeditiously as practicable, but in no event later than five (5) years after approval of the implementation plan. (3-30-07)

**05. Maintenance of BART Equipment.** Each source subject to BART is required to maintain the control equipment required by the Department and establish procedures to ensure such equipment is properly operated and maintained. (3-30-07)

**06. BART Alternative.** As an alternative to the installation of BART for a source or sources,



the Department may approve a BART alternative. If the Department approves source grouping as a BART alternative, only sources (including BART-eligible and non-BART eligible sources) causing or contributing to visibility impairment to the same mandatory Class I Federal Area may be grouped together. (3-30-07)

**a.** If a source(s) proposes a BART alternative, the resultant emissions reduction and visibility impacts must be compared with those that would result from the BART options evaluated for the source(s). (3-30-07)

**b.** Source(s) proposing a BART alternative must demonstrate that this BART alternative will achieve greater reasonable progress than would be achieved through the installation and operation of BART. (3-30-07)

**c.** Source(s) proposing a BART alternative shall include in the BART analysis an analysis and justification of the averaging period and method of evaluating compliance with the proposed emission limitation. (3-30-07)

**07. Reasonable Progress Goal Requirements for BART-Eligible Sources.** Once the Department has met the requirements for BART or BART alternative, as identified in Subsection 668.06, BART-eligible sources will be subject to the requirements of reasonable progress goals, as defined in 40 CFR 51.308(d), in the same manner as other sources. (3-30-07)

*EPA Approval: 6/9/2011, 76 FR 33647; EPA Effective: 7/11/2011*

## **675. FUEL BURNING EQUIPMENT -- PARTICULATE MATTER.**

The purpose of Sections 675 through 681 is to establish particulate matter emission standards for fuel burning equipment. (4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **676. STANDARDS FOR NEW SOURCES.**

A person shall not discharge into the atmosphere from any fuel burning equipment with a maximum rated input of ten (10) million BTU's per hour or more, and commencing operation on or after October 1, 1979, particulate matter in excess of the concentrations shown in the following table:

| <b>FUEL TYPE</b> | <b>ALLOWABLE Particulate<br/>gr/dscf</b> | <b>EMISSIONS Oxygen</b> |
|------------------|--|-------------------------|
| Gas              | .015                                     | 3%                      |
| Liquid           | .050                                     | 3%                      |
| Coal             | .050                                     | 8%                      |
| Wood Product     | .080                                     | 8%                      |

The effluent gas volume shall be corrected to the oxygen concentration shown. (5-1-94)

#### **677. STANDARDS FOR MINOR AND EXISTING SOURCES.**

A person shall not discharge into the atmosphere from any fuel burning equipment in operation prior to October 1, 1979, or with a maximum rated input of less than ten (10) million BTU per hour, particulate matter in excess of the concentrations shown in the following table:

| <b>FUEL TYPE</b> | <b>ALLOWABLE Particulate<br/>gr/dscf</b> | <b>EMISSIONS Oxygen</b> |
|------------------|--|-------------------------|
| Gas              | .015                                     | 3%                      |
| Liquid           | .050                                     | 3%                      |
| Coal             | .100                                     | 8%                      |
| Wood Product     | .200                                     | 8%                      |

The effluent gas volume shall be corrected to the oxygen concentration shown. (5-1-94)

EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003

#### **678. COMBINATIONS OF FUELS.**

When two (2) or more types of fuel are burned concurrently, the allowable emission shall be determined by proportioning the gross heat input and emission standards for each fuel. (5-1-94)

EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003

#### **679. AVERAGING PERIOD.**

For purposes of Sections 675 through 680, emissions shall be averaged according to the following, whichever is the lesser period of time: (5-1-94)

**01. One Cycle.** One (1) complete cycle of operation; or (5-1-94)

**02. One Hour.** One (1) hour of operation representing worst-case conditions for the emission of particulate matter. (4-11-06)

EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010

#### **680. ALTITUDE CORRECTION.**

For purposes of Sections 675 through 680, standard conditions shall be adjusted for the altitude of the source by subtracting one-tenth (0.10) of an inch of mercury for each one hundred (100) feet above sea level from the standard atmospheric pressure at sea level of twenty-nine and ninety-two one hundredths (29.92) inches of mercury. (5-1-94)

EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003

#### **681. TEST METHODS AND PROCEDURES.**

The appropriate test method under Sections 675 through 680 shall be EPA Method 5 contained

in 40 CFR Part 60 or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures shall also comply with Section 157. (4-5-00)  
*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **700. PARTICULATE MATTER -- PROCESS WEIGHT LIMITATIONS.**

**01.** Particulate Matter Emission Limitations. The purpose of Sections 700 through 703 is to establish particulate matter emission limitations for process equipment. (5-3-03)

**02. Minimum Allowable Emission.** Notwithstanding the provisions of Sections 701 and 702, no source shall be required to meet an emission limit of less than one (1) pound per hour. (4-5-00)

**03. Averaging Period.** For the purposes of Sections 701 through 703, emissions shall be averaged according to the following, whichever is the lesser period of time: (4-5-00)

- a. One (1) complete cycle of operation; or (4-5-00)
- b. One (1) hour of operation representing worst-case conditions for the emissions of particulate matter. (4-5-00)

**04. Test Methods And Procedures.** The appropriate test method under Sections 700 through 703 shall be EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent methods approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157. (4-5-00)

*EPA Approval: 11/26/2010, 75 FR 72719; EPA Effective: 12/27/2010*

## **701. PARTICULATE MATTER -- NEW EQUIPMENT PROCESS WEIGHT LIMITATIONS.**

**01. General Restrictions.** No person shall emit into the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

a. If PW is less than 9,250 pounds per hour,  
$$E = 0.045(PW)^{0.60}$$

b. If PW is equal to or greater than 9,250 pounds per hour,  
$$E = 1.10(PW)^{0.25}$$

(4-5-00)

**02. Exemption.** The provisions of Section 701 shall not apply to fuel burning equipment. (4-5/00)

**03. Emission Standards -- Table.** The following table illustrates the emission standards set forth in Section 701.

| <b>PROCESS WEIGHT</b> | <b>ALLOWABLE EMISSIONS FROM ENTIRE SOURCE</b> | <b>PROCESS WEIGHT</b> | <b>EMISSIONS FROM ENTIRE SOURCE</b> |
|-----------------------|---|-----------------------|-------------------------------------|
| <b>lb/hr</b>          | <b>lb/hr</b>                                  | <b>lb/hr</b>          | <b>lb/hr</b>                        |
| 175 or less           | 1   | 20,000                | 13.08                               |
| 200                   | 1.08  | 40,000                | 15.56                               |
| 400                   | 1.64  | 60,000                | 17.22                               |
| 600                   | 2.09  | 80,000                | 18.50                               |
| 800                   | 2.40  | 100,000               | 19.56                               |
| 1,000                 | 2.84  | 200,000               | 23.26                               |
| 2,000                 | 4.30  | 400,000               | 27.66                               |
| 4,000                 | 6.52  | 600,000               | 30.61                               |
| 6,000                 | 8.32  | 800,000               | 32.90                               |
| 8,000                 | 9.89  | 1,000,000             | 34.79                               |
| 10,000                | 11.00   | 2,000,000             | 41.37                               |

(4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **702. PARTICULATE MATTER -- EXISTING EQUIPMENT PROCESS WEIGHT LIMITATIONS.**

The provisions of Section 702 shall become effective on January 1, 1981. (4-5-00)

**01. General Restrictions.** No person shall emit into the atmosphere from any process or process equipment operating prior to October 1, 1979, particulate matter in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour: (4-5-00)

**a.** If PW is less than 17,000 pounds per hour,  
 $E = 0.045 (PW)^{0.60}$  (4-5-00)

**b.** If PW is equal to or greater than 17,000 pounds per hour,  
 $E = 1.12 (PW)^{0.27}$ . (4-5-00)

**02. Exemptions.** The provisions of Section 702 shall not apply to: (4-5-00)

**a.** Fuel burning equipment; or (5-1-94)

**b.** Equipment used exclusively to dehydrate sugar beet pulp or alfalfa. (5-1-94)

**03. Emission Standards -- Table.** The following table illustrates the emission standards set forth in Section 702.

| PROCESS WEIGHT | EMISSIONS FROM ENTIRE SOURCE | PROCESS WEIGHT | EMISSIONS FROM ENTIRE SOURCE |
|----------------|------------------------------|----------------|------------------------------|
| lb/hr          | lb/hr                        | lb/hr          | lb/hr                        |
| 175 or less    | 1                            | 20,000         | 16.24                        |
| 200            | 1.08                         | 40,000         | 19.58                        |
| 400            | 1.64                         | 60,000         | 21.84                        |
| 600            | 2.09                         | 80,000         | 23.61                        |
| 800            | 2.48                         | 100,000        | 25.07                        |
| 1,000          | 2.84                         | 200,000        | 30.23                        |
| 2,000          | 4.30                         | 400,000        | 36.46                        |
| 4,000          | 6.52                         | 600,000        | 40.67                        |
| 6,000          | 8.32                         | 800,000        | 43.96                        |
| 8,000          | 9.89                         | 1,000,000      | 46.69                        |
| 10,000         | 11.30                        | 2,000,000      | 56.30                        |

(4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

### 703. PARTICULATE MATTER -- OTHER PROCESSES.

**01. Other Processes.** No person with processes exempt under Subsection 702.02.b. shall emit particulate matter to the atmosphere from any process or process equipment in excess of the amount shown in the following equations, where E is the total rate of emission from all emission points from the source in pounds per hour and P is the process weight rate in pounds per hour.

a. If P is less than sixty thousand (60,000) pounds per hour,  
 $E = 0.02518(P)^{0.67}$

b. If P is greater than or equal to sixty thousand (60,000) pounds per hour,  
 $E = 23.84(P)^{0.11} - 40$

(4-5-00)

**02. Emission Standards -- Table.** The following table illustrates the emission standards set forth in Section 703.

| <u>ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE</u> |                         |                            |                         |
|--|-------------------------|----------------------------|-------------------------|
| <u>Process Weight Rate</u>                                     | <u>Rate of Emission</u> | <u>Process Weight Rate</u> | <u>Rate of Emission</u> |

| <u>Lb/Hr</u>  | <u>Lb/Hr</u> | <u>Lb/Hr</u>     | <u>Lb/Hr</u> |
|---------------|--------------|------------------|--------------|
| <u>100</u>    | <u>0.551</u> | <u>16,000</u>    | <u>16.5</u>  |
| <u>200</u>    | <u>0.877</u> | <u>18,000</u>    | <u>17.9</u>  |
| <u>400</u>    | <u>1.40</u>  | <u>20,000</u>    | <u>19.2</u>  |
| <u>600</u>    | <u>1.83</u>  | <u>30,000</u>    | <u>25.2</u>  |
| <u>800</u>    | <u>2.22</u>  | <u>40,000</u>    | <u>30.5</u>  |
| <u>1,000</u>  | <u>2.58</u>  | <u>50,000</u>    | <u>35.4</u>  |
| <u>1,500</u>  | <u>3.38</u>  | <u>60,000</u>    | <u>40.0</u>  |
| <u>2,000</u>  | <u>4.10</u>  | <u>70,000</u>    | <u>41.3</u>  |
| <u>2,500</u>  | <u>4.76</u>  | <u>80,000</u>    | <u>42.5</u>  |
| <u>3,000</u>  | <u>5.38</u>  | <u>90,000</u>    | <u>43.6</u>  |
| <u>3,500</u>  | <u>5.96</u>  | <u>100,000</u>   | <u>44.6</u>  |
| <u>4,000</u>  | <u>6.52</u>  | <u>120,000</u>   | <u>46.3</u>  |
| <u>5,000</u>  | <u>7.58</u>  | <u>140,000</u>   | <u>47.8</u>  |
| <u>6,000</u>  | <u>8.56</u>  | <u>160,000</u>   | <u>49.0</u>  |
| <u>7,000</u>  | <u>9.49</u>  | <u>200,000</u>   | <u>51.2</u>  |
| <u>8,000</u>  | <u>10.4</u>  | <u>1,000,000</u> | <u>69.0</u>  |
| <u>9,000</u>  | <u>11.2</u>  | <u>2,000,000</u> | <u>77.6</u>  |
| <u>10,000</u> | <u>12.0</u>  | <u>6,000,000</u> | <u>92.7</u>  |
| <u>12,000</u> | <u>13.6</u>  |                  |              |

(4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **725. RULES FOR SULFUR CONTENT OF FUELS.**

This section applies to fuel burning sources in Idaho. Its purpose is to prevent excessive ground level concentrations of sulfur dioxide. The reference test method for measuring fuel sulfur content shall be ASTM method, D129-95 Standard Test for Sulfur in Petroleum Products (General Bomb Method) or such comparable and equivalent method approved in accordance with Subsection 157.02.d. Test methods and procedures shall comply with Section 157. (5-8-09)

### **01. Definitions.**

**a. ASTM.** American Society for Testing and Materials. (5-1-94)

**b. Distillate Fuel Oil.** Any oil meeting the specifications of ASTM Grade 1 or Grade 2 fuel oils. (5-1-94)

**c. Residual Fuel Oil.** Any oil meeting the specifications of ASTM Grade 4, Grade 5 and Grade 6 fuel oils. (5-1-94)

**02. Residual Fuel Oils.** No person shall sell, distribute, use or make available for use, any

residual fuel oil containing more than one and three-fourths percent (1.75%) sulfur by weight. (5-8-09)

**03. Distillate Fuel Oil.** No person shall sell, distribute, use or make available for use, any distillate fuel oil containing more than the following percentages of sulfur:

**a. ASTM Grade 1.** ASTM Grade 1 fuel oil - zero point three percent (0.3%) by weight.

**b. ASTM Grade 2.** ASTM Grade 2 fuel oil - zero point five percent (0.5%) by weight.  
(5-8-09)

**04. Coal.** No person shall sell, distribute, use or make available for use, any coal containing greater than one percent (1.0%) sulfur by weight. (5-8-09)

**05. Alternative.** The Department may approve in a permit issued in accordance with these rules an alternative fuel sulfur content if the applicant demonstrates that, through control measures or other means, sulfur dioxide emissions (based on a one (1) hour averaging period) are equal to or less than those resulting from the combustion of fuels complying with the limitations of Subsections 725.01 through 725.04. (4-11-15)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **785. RULES FOR CONTROL OF INCINERATORS.**

The purpose of Sections 785 through 788 is to prevent excessive emissions of particulate matter from incinerators. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **786. EMISSION LIMITS.**

**01. General Restrictions.** No person shall allow, suffer, cause or permit any incinerator to discharge more than two-tenths (0.2) pounds of particulates per one hundred (100) pounds of refuse burned. (4-5-00)

**02. Averaging Period.** For the purposes of Section 786, emissions shall be averaged according to the following, whichever is the lesser period of time:

a. One (1) complete cycle of operation; or

b. One (1) hour of operation representing worst-case conditions for the emissions of particulate matter.

(4-5-00)

**03. Test Methods And Procedures.** The appropriate test method under Sections 785 through 788 shall be EPA Method 5 contained in 40 CFR Part 60 or such comparable and equivalent methods approved in accordance with Subsection 157.02.d. Test methods and procedures shall

comply with Section 157. (4-5-00)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **787. EXCEPTIONS.**

Sections 785 and 786 do not apply to wigwam burners. (3-23-98)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **790. RULES FOR THE CONTROL OF NONMETALLIC MINERAL PROCESSING PLANTS.**

The purpose of Sections 790 through 799 is to set forth the requirements for nonmetallic mineral processing plants, frequently referred to as rock crushers. Definitions specific to nonmetallic mineral processing permits are located in Section 011 while other general terms may be defined in Sections 006 through 008. Compliance with Section 790 does not relieve the owner or operator of a nonmetallic mineral processing plant from the responsibility of complying with other federal, state, and local applicable laws, regulations, and requirements. (3-15-02)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **791. GENERAL CONTROL REQUIREMENTS.**

**01. Prohibition.** No owner or operator of a nonmetallic mineral processing plant shall allow, suffer, or cause the emissions of any air pollutant to the atmosphere in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property. (3-15-02)

**02. Control of Fugitive Dust.** In accordance with Sections 650 and 651, owners and operators of nonmetallic mineral processing plants shall take all reasonable precautions to prevent the generation of fugitive dust. In determining what is reasonable, consideration will be given to factors such as the proximity to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. (3-15-02)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **793. EMISSIONS STANDARDS FOR NONMETALLIC MINERAL PROCESSING PLANTS NOT SUBJECT TO 40 CFR 60, SUBPART OOO.**

Owners and operators of nonmetallic mineral processing plants that are not subject to a NSPS requirement shall comply with the emissions standards set forth in Section 793. (3-15-02)

**01. Processing Plants Not Regulated by NSPS.** Fixed or portable plants that commenced construction, reconstruction, or modification before August 31, 1983 are not subject to 40 CFR 60, Subpart OOO. (3-15-02)

**02. Emissions Standards for Fugitive Emissions.** No owner or operator shall cause to be



discharged into the atmosphere emissions which exhibit greater than twenty percent (20%) opacity from any crusher, grinding mill, screening operation, bucket elevator, belt conveyor, conveying system, transfer point, vent, capture system, storage bin, stockpile, truck dumping operation, vehicle traffic on an affected paved public roadway, vehicle traffic on or wind erosion of an unpaved haul road, or other source of fugitive emissions. Opacity shall be determined using the test methods and procedures in Section 625. The plant is not required to have a certified opacity reader. (3-15-02)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

#### **794. PERMIT REQUIREMENTS.**

No owner or operator may commence construction, reconstruction, modification or operation of any nonmetallic mineral processing plant regardless of whether or not the source is an affected facility pursuant to 40 CFR 60.670(e) without first obtaining a permit or complying with Sections 795 through 799. The owner or operator shall comply with the permitting requirements of Subsection 794.02 or Subsection 794.03 and the applicable portions of Subsection 794.04 and/or Subsection 794.05. (4-11-15)

**01. Permit By Rule Eligibility.** New major facilities or major modifications subject to Sections 204 and 205 are not eligible for a Permit by Rule. (4-11-15)

**02. Permit by Rule.** Owners and operators of nonmetallic mineral processing plants that meet all of the applicable requirements set forth in Sections 795 through 799 shall be deemed to have a permit by rule (PBR) and shall not be required to obtain a permit to construct under Sections 200 through 228. (3-15-02)

**03. Permit to Construct.** Owners and operators of nonmetallic mineral processing plants that do not meet all of the requirements set forth in Sections 795 through 799, or that operate or intend to operate a nonmetallic mineral processing plant at a single site of operations for more than twelve (12) consecutive months, or that choose to construct and operate under specific permit requirements rather than the provisions of the permit by rule shall obtain a permit to construct pursuant to Sections 200 through 228. An existing permit to construct shall be considered valid until the permit is modified, incorporated into a Tier II operating permit, or terminated by the Department. Existing permits to construct may be terminated by the Department by registering the source under the permit by rule provisions in accordance with Section 797 after June 15, 2001. (3-15-02)

~~**04. Tier I Operating Permits.** Owners and operators of nonmetallic mineral processing plants that are affected facilities subject to a requirement of the New Source Performance Standards (NSPS) in 40 CFR 60 are Tier I sources as defined in Section 006. Tier I sources must comply with the applicable permitting requirements of Sections 300 through 399. (4-11-06)~~

**05. Tier II Operating Permits.** Owners and operators of nonmetallic mineral processing plants that are required by the Department or choose to obtain a Tier II operating permit pursuant to

Sections 400 through 410 shall operate in accordance with the specific provisions of the Tier II operating permit until such time as the operating permit is terminated in writing by the Department. The Department may require owners and operators of nonmetallic mineral processing plants to obtain a Tier II operating permit whenever the Department determines that: (3-15-02)

**a.** Emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment; or (3-15-02)

**b.** Specific emissions standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule. (3-15-02)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **795. PERMIT BY RULE REQUIREMENTS.**

The purpose of Sections 795 through 799 is to establish the requirements for a permit by rule for nonmetallic mineral processing plants. (3-15-02)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **796. APPLICABILITY.**

**01. Permit by Rule.** Owners and operators of nonmetallic mineral processing plants shall be deemed to have a permit by rule if they comply with all of the applicable provisions of Sections 795 through 799. Nothing in Sections 795 through 799 shall preclude any owner or operator from obtaining a permit. Portable sources that operate or may be operated at a single location or site of operations for more than twelve (12) consecutive months must obtain a permit to construct or a Tier II operating permit. (3-15-02)

**02. Permit Option.** Owners and operators of nonmetallic mineral processing plants that hold a valid permit to construct or a Tier II operating permit must comply with the terms and conditions of the permit and are not subject to the requirements of the permit by rule in Sections 795 through 799. (3-15-02)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **797. REGISTRATION FOR PERMIT BY RULE.**

**01. Registration Process.** Any owner or operator of a nonmetallic mineral processing plant that opts to operate under the permit by rule shall register in the following manner: (3-15-02)

**a.** Any new or modified processing plant shall register fifteen (15) days prior to commencing operation or modification. The Department shall acknowledge registration in writing within fifteen (15) days. (3-15-02)

**b.** Any permitted processing plant shall register with the Department and request

termination of the current permit to construct or Tier II operating permit. The Department shall normally act on the request within fifteen (15) days and notify the registrant in writing. (3-15-02) Registration for permit by rule does not relieve the owner or operator of portable equipment from the registration and relocation requirements of Section 500. (3-15-02)

**02. Registration Information.** The following information shall be provided by the registrant to the Department: (3-15-02)

- a.** For all crushers and grinding mills, the registrant shall supply information on the manufacturer, crusher type (such as jaw, cone), serial number, date of manufacture, and maximum throughput capacity; (3-15-02)
- b.** For all screen decks, the registrant shall supply manufacturer name, physical size of screen, number of decks, serial number, and date of manufacture; and (3-15-02)
- c.** For all electrical generators, the registrant shall supply manufacturer name, rated output, and fuel. (3-15-02)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **798. ELECTRICAL GENERATORS.**

The following requirements apply to all electrical generators used to provide electrical power to any nonmetallic mineral processing plant. The requirements apply to each site of operations. (3-15-02)

**01. Fuel Type.** Only ASTM (American Society of Testing and Materials) Grade 1 or 2 fuel oil shall be used. The sulfur content of the fuel used shall not exceed the percentages of sulfur given in Section 725. (5-8-09)

**02. Generator Operating Requirements.** For the purposes of Sections 790 through 799, the following apply to all electrical generators.

| <b>Rated Output Capacities (kW)</b> | <b>Allowable Operating Hours (hr/day)</b> |                                  | <b>Allowable Operating Hours (hr/yr)</b> |                                  |
|-------------------------------------|---|----------------------------------|--|----------------------------------|
|                                     | <b>Attainment Unclassifiable Areas</b>    | <b>PM-10 Nonattainment Areas</b> | <b>Attainment Unclassifiable Areas</b>   | <b>PM-10 Nonattainment Areas</b> |
| 0 - 454                             | 24  | 8                                | 8760                                     | 2880                             |
| 455 - 1000                          | 24  | 24                               | 8760                                     | 8760                             |
| 1001 - 2000                         | 24  | 24                               | 5200                                     | 5200                             |

kW = kilowatts  
hr/day = hours per day  
hr/yr = hours per year (3-15-02)

**03. Generator Opacity Limit.** Visible emissions from any generator stack, vent, or other functionally equivalent opening shall not exceed twenty percent (20%) opacity for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period. Opacity shall be determined using the test methods and procedures contained in Section 625. (3-15-02)

**04. Monitoring and Recordkeeping Requirements.** (3-15-02)

- a. The owner or operator shall monitor and record the following information. (3-15-02)
  - i. The rated output capacity, in kilowatts (kW), of the electrical generator(s) used; (3-15-02)
  - ii. Operating hours on a monthly and annual basis so compliance can be continuously determined for the previous twelve (12) month period; and (3-15-02)
  - iii. Vendor receipts of the fuel oil purchased clearly identifying the ASTM Grade. (3-15-02)
- b. Records of monitoring and recordkeeping requirements for current operations shall be maintained at the site of operations for the duration of operations at that location and shall be available to Department representatives upon request. Records for previous sites of operation shall be kept for the most recent two (2) year period at a location where they can be reasonably accessed and shall be made available to the Department upon request. (3-15-02)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

**799. NONMETALLIC MINERAL PROCESSING PLANT FUGITIVE DUST BEST MANAGEMENT PRACTICE.**

The owner or operator of a nonmetallic mineral processing plant shall use the Best Management Practices (BMP) contained in Section 799 to control the emissions of fugitive dust. Fugitive dust emissions shall be reasonably controlled as required by Sections 650 and 651. It shall be the responsibility of the owner or operator to reasonably control fugitive emissions at each site of operations but only for the duration of operations at each site under the control of the owner or operator. (3-15-02)

**01. Generally Applicable Requirements.** All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. The following requirements apply generally to this Fugitive Dust BMP. (3-15-02)

**a. Control strategy triggers.** The owner or operator of a nonmetallic mineral processing plant shall at all times be observant of all sources of fugitive dust emissions and monitor control strategies at least once per day when operating. When fugitive dust emissions are observed at any time to be exceeding any control strategy trigger specified in Subsections 799.02 through 799.06, that event shall trigger initiation of the prescribed control strategy or control strategies to control the fugitive dust emissions. (3-15-02)

**b. Control strategies.** A progressive control strategy shall be used to reasonably control the emissions of fugitive dust. Progressive control strategy means that if the initial control strategy or strategies chosen do not adequately control fugitive dust emissions, the owner or operator shall employ successive control strategies as listed until fugitive dust control is achieved. Fugitive dust control shall be applied on a frequency such that visible emissions do not exceed any emission standard specified in Sections 790 through 799. (3-15-02)

**c. Monitoring and recordkeeping.** The owner or operator shall maintain a record of each event where a control strategy is triggered. The trigger shall be recorded with a summary of the control strategy employed. If the trigger is a citizen complaint, the owner or operator shall record the complaint, an evaluation of whether the complaint has merit, and a summary of the corrective action taken. The record shall be maintained on forms provided by the Department or other forms that contain similar information. Records for current operations shall be maintained at the site of operations for the duration of operations at that location and shall be available to Department representatives upon request. Records for previous sites of operation shall be kept for the most recent two (2) year period at a location where they can be reasonably accessed and shall be made available to the Department upon request. (3-15-02)

## **02. Requirements for Paved Public Roadways. (3-15-02)**

### **a. Definitions. (3-15-02)**

i. Paved public roadway. A paved public roadway means a roadway accessible to the general public having a surface of asphalt or concrete. (3-15-02)

ii. Track-out. Track-out means the deposition of mud, dirt, or similar debris onto the surface of a paved public roadway from the tires and/or undercarriage of any vehicle associated with the operation of a nonmetallic mineral processing plant. (3-15-02)

**b. Control strategy triggers.** Triggers that require initiation of a strategy or strategies to control fugitive dust emissions from track-out include, but are not limited to: (3-15-02)

i. Visible deposition of mud, dirt, or similar debris on the surface of a paved public roadway. (3-15-02)

ii. Visible fugitive emissions from vehicle traffic on an affected paved public roadway

that approach twenty percent (20%) opacity for a period or periods aggregating more than one (1) minute in any sixty (60) minute period. (3-15-02)

iii. Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required. (3-15-02)

c. Control strategies. The following are control strategies for track-out. (3-15-02)

i. Prompt removal of mud, dirt, or similar debris from the affected surface of a paved public roadway. (3-15-02)

ii. Water flush, and/or water flush and vacuum sweep, the affected surface of the paved public roadway. Runoff shall be controlled so it does not saturate the surface of the adjacent unpaved haul road such that track-out is enhanced. If runoff is not, or cannot be controlled, gravel shall be applied to the surface of the adjacent unpaved haul road over an area sufficient to control track-out. (3-15-02)

iii. Apply gravel to the surface of the adjacent unpaved haul road. The area of application shall be sufficient to control track-out. (3-15-02)

iv. Apply an environmentally safe chemical soil stabilizer or chemical dust suppressant to the surface of the adjacent unpaved haul road. The area of application shall be sufficient to control track-out. (3-15-02)

v. Other control strategy or strategies as approved by the Department. (3-15-02)

### **03. Requirements for Unpaved Haul Roads. (3-15-02)**

a. Definition of “unpaved haul roads.” Any unsurfaced roadway within the physical boundary of a nonmetallic mineral processing facility that is used as a haul road, access road, or similar. (3-15-02)

b. Control strategy triggers. Triggers that require initiation of a strategy or strategies to control fugitive dust emissions from unpaved haul roads include, but are not limited to: (3-15-02)

i. Visible fugitive emissions from vehicle traffic on an affected paved public roadway that approach twenty percent (20%) opacity for a period or periods aggregating more than one (1) minute in any sixty (60) minute period. (3-15-02)

ii. Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required. (3-15-02)

**c. Control strategies.** The following are control strategies for fugitive dust emissions from unpaved haul roads. (3-15-02)

i. Limit vehicle traffic on unpaved haul roads. (3-15-02)

ii. Limit vehicle speeds on unpaved haul roads. If a speed limit is imposed, signs shall be posted along the haul road route and clearly indicate the speed limit. Signs shall be placed so they are visible to vehicles entering and leaving the site of operations. (3-15-02)

iii. Apply water to the surface of the unpaved haul road. Runoff shall be controlled so it does not saturate the surface of the unpaved haul road such that it causes track-out. If runoff is not, or cannot be controlled, gravel shall be applied to the surface of the unpaved haul road over an area sufficient to control track-out. (3-15-02)

iv. Apply gravel to the surface of the unpaved haul road. (3-15-02)

v. Apply an environmentally safe chemical soil stabilizer or chemical dust suppressant to the surface of the unpaved haul road. (3-15-02)

vi. Other control strategy or strategies as approved by the Department. (3-15-02)

**04. Requirements for Transfer Points, Screening Operations, and Stacks and Vents.** (3-15-02)

**a. Definitions.** (3-15-02)

i. Transfer point. Transfer point means a point in a conveying operation where the nonmetallic mineral is transferred to or from a belt conveyor except where the nonmetallic mineral is being transferred to a stockpile. (3-15-02)

ii. Belt conveyor. Belt conveyor means a conveying device that transports material from one (1) location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end. (3-15-02)

iii. Conveying system. Conveying system means a device for transporting materials

from one (1) piece of equipment or location to another location within a plant. Conveying systems include but are not limited to the following: feeders, belt conveyors, bucket elevators and pneumatic systems. (3-15-02)

iv. Bucket elevator. Bucket elevator means a conveying device of nonmetallic minerals consisting of a head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached. (3-15-02)

v. Screening operation. Screening operation means a device for separating material according to size by passing undersize material through one (1) or more mesh surfaces (screens) in series, and retaining oversize material on the mesh surfaces (screens). (3-15-02)

vi. Capture system. Capture system means the equipment (including enclosures, hoods, ducts, fans, dampers, etc.) used to capture and transport particulate matter generated by one (1) or more process operations to a control device. (3-15-02)

vii. Control device. Control device means the air pollution control equipment used to reduce particulate matter emissions released to the atmosphere from one (1) or more process operations at a nonmetallic mineral processing plant. (3-15-02)

viii. Vent. Vent means an opening through which there is mechanically induced air flow for the purpose of exhausting from a building air carrying particulate matter emissions from one (1) or more affected facilities. (3-15-02)

**b.** Control strategy triggers. Triggers that require initiation of a strategy or strategies to control fugitive dust emissions from transfer points, belt conveyors, bucket elevators, screening operations, conveying systems, capture systems, and building vents include, but are not limited to, the following: (3-15-02)

i. NSPS regulated processing plants. (3-15-02)

(1) Opacity greater than ten percent (10%) from any transfer point on a belt conveyor, conveying system, bucket elevator, or screening operation. (3-15-02)

(2) For any transfer point on a belt conveyor, conveying system, bucket elevator, or screening operation located within a building, opacity greater than seven percent (7%) from any building vent. (3-15-02)

(3) Opacity greater than seven percent (7%) from any capture system stack. (3-15-02)

(4) Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or



operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required. (3-15-02)

ii. Processing plants not regulated by NSPS. (3-15-02)

(1) Opacity greater than twenty percent (20%) from any transfer point on a belt conveyor, conveying system, bucket elevator, or screening operation. (3-15-02)

(2) For any transfer point on a belt conveyor, conveying system, bucket elevator, or screening operation located within a building, opacity greater than twenty percent (20%) from any building vent. (3-15-02)

(3) Opacity greater than twenty percent (20%) from any capture system stack. (3-15-02)

(4) Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required. (3-15-02)

c. Control Strategies. The following are control strategies for transfer points, belt conveyors, bucket elevators, screening operations, conveying systems, capture systems, and building vents. Controls shall be applied on a frequency such that visible fugitive emissions do not exceed any applicable opacity limit. (3-15-02)

i. Limit drop heights of materials such that there is a homogeneous flow of material. (3-15-02)

ii. Install, operate, and maintain water spray bars to control fugitive dust emissions at transfer points on belt conveyors, conveying systems, bucket elevators, and screening operations as necessary. (3-15-02)

iii. Other control strategy or strategies as approved by the Department. (3-15-02)

**05. Requirements for Crushers and Grinding Mills. (3-15-02)**

a. Definitions. (3-15-02)

i. Crusher. Crusher means a machine used to crush any nonmetallic mineral, and includes, but is not limited to, the following types: jaw, gyratory, cone, roll, rod mill, hammermill, and impactor. (3-15-02)

ii. Grinding mill. Grinding mill means a machine used for the wet or dry fine crushing of any nonmetallic mineral. Grinding mills include, but are not limited to, the following types: hammer, roller, rod, pebble and ball, and fluid energy. The grinding mill includes the air conveying system, air separator, or air classifier, where such systems are used. (3-15-02)

iii. Initial crusher. Initial crusher means any crusher into which nonmetallic minerals can be fed without prior crushing in the plant. (3-15-02)

**b. Control strategy triggers.** Triggers that require initiation of a strategy or strategies to control fugitive dust emissions from any crusher, grinding mill, building vent, or capture system stack include, but are not limited to, the following. (3-15-02)

i. NSPS regulated processing plants. (3-15-02)

(1) Opacity greater than fifteen percent (15%) from any crusher or grinding mill at which capture system is not used. (3-15-02)

(2) For any crusher or grinding mill located within a building, opacity greater than seven percent (7%) from any building vent. (3-15-02)

(3) Opacity greater than seven percent (7%) from any capture system stack. (3-15-02)

(4) Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required. (3-15-02)

ii. Processing plants not regulated by NSPS. (3-15-02)

(1) Opacity greater than twenty percent (20%) from any crusher or grinding mill at which capture system is not used. (3-15-02)

(2) For any crusher or grinding mill located within a building, opacity greater than twenty percent (20%) from any building vent. (3-15-02)

(3) Opacity greater than twenty percent (20%) from any capture system stack. (3-15-02)

(4) Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required. (3-15-02)

**c. Control strategies.** The following are control strategies for any crusher, grinding mill, building vent, or capture system stack. Controls shall be applied on a frequency such that visible fugitive emissions do not exceed any applicable opacity limit. (3-15-02)

i. Limit drop heights of materials such that there is a homogeneous flow of material. (3-15-02)

ii. Install, operate, and maintain water spray bars to control fugitive dust emissions at crusher drop points as necessary. (3-15-02)

iii. Other control strategy or strategies as approved by the Department. (3-15-02)

## **06. Requirements for Stockpiles. (3-15-02)**

**a. Definitions. (3-15-02)**

i. Stockpile. Stockpile means any nonmetallic mineral storage pile, reserve supply, or similar. Nonmetallic minerals shall have the meaning given in 40 CFR Part 60, Subpart OOO. Nonmetallic minerals may be stockpiled by belt conveyor, truck dumping, or similar. (3-15-02)

ii. Truck dumping. Truck dumping means the unloading of nonmetallic minerals from movable vehicles designed to transport nonmetallic minerals from one (1) location to another. Movable vehicles include but are not limited to: trucks, front-end loaders, skip hoists, and railcars. (3-15-02)

**b. Control strategy triggers.** Triggers that require immediate initiation of a strategy or strategies to control fugitive dust emissions from stockpiles include, but are not limited to: (3-15-02)

i. Visible fugitive emissions from wind erosion of any stockpile that approaches twenty percent (20%) opacity for a period or periods aggregating more than one (1) minute in any sixty (60) minute period.(3-15-02)

ii. Citizen complaints of failure to reasonably control fugitive dust shall be expeditiously evaluated by the owner or operator for merit. If the owner or operator determines the complaint has merit, the progressive strategy shall be expeditiously employed to reasonably control fugitive dust. The Department may review the complaint records and investigate citizen complaints as appropriate. If the Department finds that a complaint has merit, it may determine additional control measures are required. (3-15-02)

c. Control strategies. The following are control strategies for stockpiles. (3-15-02)

i. Limit the height of the stockpiles. (3-15-02)

ii. Limit the disturbance of the stockpiles. (3-15-02)

iii. Apply water onto the surface of the stockpile. (3-15-02)

iv. Other control strategy or strategies as approved by the Department. (3-15-02)

*EPA Approval: 8/12/2016, 81 FR 53290; EPA Effective: 9/12/2016*

## **805. RULES FOR CONTROL OF HOT-MIX ASPHALT PLANTS.**

The purpose of Sections 805 through 808 is to establish for hot-mix asphalt plants restrictions on the emission of particulate matter. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **806. EMISSION LIMITS.**

No person shall cause, allow or permit a hot-mix asphalt plant to have particulate emissions which exceed the limits specified in Sections 700 through 703. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **807. MULTIPLE STACKS.**

In the case of more than one (1) stack to a hot-mix asphalt plant, the emission limitation will be based on the total emission from all stacks. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **808. FUGITIVE DUST CONTROL.**

**01. Fugitive Emission Controls.** No person shall cause, allow or permit a plant to operate that is not equipped with an efficient fugitive dust control system. The system shall be operated and maintained in such a manner as to satisfactorily control the emission of particulate material from any point other than the stack outlet. (5-1-94)

**02. Plant Property Dust Controls.** The owner or operator of the plant shall maintain fugitive dust control of the plant premises and plant owned, leased or controlled access roads by paving, oil treatment or other suitable measures. Good operating practices, including water spraying or other suitable measures, shall be employed to prevent dust generation and atmospheric entrainment during operations such as stockpiling, screen changing and general maintenance. (5-1-94)

*EPA Approval: 1/16/2003, 68 FR 2217; EPA Effective: 2/18/2003*

## **815. RULES FOR CONTROL OF KRAFT PULP MILLS.**

The purpose of Sections 815 through 818 is to establish emission standards for recovery furnaces and notification and reporting requirements for low volume high concentration (LVHC) and high volume low concentration (HVLC) gas venting at kraft pulp mills. (3-29-12)

*EPA Approval: 4/8/2019, 84 FR 13803; EPA Effective: 5/8/2018*

## **818. KRAFT PULP MILL LVHC AND HVLC GAS VENTING NOTIFICATION AND REPORTING.**

Section 818 is applicable to kraft pulp mill LVHC and HVLC gas venting from sources required to be controlled pursuant to 40 CFR 63, Subpart S. For purposes of Sections 130 through 136, an excess emission is defined as a continuous uncontrolled gas venting in excess of five (5) minutes. Excess emissions notification and reporting shall be conducted pursuant to the requirements contained in Sections 130 through 136 and the permit issued to the kraft pulp mill. (3-29-12)

*EPA Approval: 4/8/2019, 84 FR 1803; EPA Effective: 5/8/2019*

## **Table 2 to Paragraph (C)-State Statutes**



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 1

ENVIRONMENTAL QUALITY – HEALTH

39-114. OPEN BURNING OF CROP RESIDUE. (1) The open burning of crop residue to develop physiological conditions conducive to increase crop yields, or to control diseases, insects, pests or weed infestations, shall be an allowable form of open burning, such that it is expressly authorized as referenced in section 52-108, Idaho Code, as long as the open burning is conducted in accordance with the provisions of this section and the rules promulgated pursuant to this chapter.

(2) Crop residue means any vegetative material remaining in the field after harvest or vegetative material produced on designated conservation reserve program (CRP) lands.

(3) The open burning of crop residue shall be conducted in the field where it was generated. A burn may not take place without preapproval from the department. The department shall not approve a burn if it determines that ambient air quality levels:

(a) Are exceeding, or are expected to exceed, ninety percent (90%) of the ozone national ambient air quality standard (NAAQS) and seventy-five percent (75%) of the level of any other NAAQS on any day, and these levels are projected to continue or recur over at least the next twenty-four (24) hours; or

(b) Have reached, or are forecasted to reach and persist at, eighty percent (80%) of the one (1) hour action criteria for particulate matter pursuant to section 556 of IDAPA 58.01.01, rules for the control of air pollution in Idaho.

The department shall make available to the public, prior to the burn, information regarding the date of the burn, location, acreage and crop type to be burned. If the agricultural community desires to burn more than twenty thousand (20,000) acres annually of bluegrass within the state, that does not include Indian or tribal lands within the reservation boundaries as recognized by the federal clean air act, then, prior to approving the burning of the additional acres, the department shall complete an air quality review analysis to determine that the ambient air quality levels in this section will be met.

(4) A fee in an amount of two dollars (\$2.00) per acre burned shall be paid to the department. This fee shall not apply to propane flaming, as defined in the rules promulgated pursuant to this chapter. The department shall remit all fees quarterly to the state treasurer, who shall deposit the moneys in the general fund.

History:

[39-114, added 2017, ch. 56, sec. 3, p. 87; am. 2019, ch. 32, sec. 1, p. 92.]

How current is this law?

**Search the Idaho Statutes and Constitution**



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

## TITLE 39

### HEALTH AND SAFETY

#### CHAPTER 1

##### ENVIRONMENTAL QUALITY – HEALTH

39-107. BOARD – COMPOSITION – OFFICERS – COMPENSATION – POWERS – SUBPOENA – DEPOSITIONS – REVIEW – RULES.

(1) (a) The board of environmental quality shall consist of seven (7) members who shall be appointed by the governor, with the advice and consent of the senate. The members shall serve at the pleasure of the governor. Each member of the board shall be a citizen of the United States, a resident of the state of Idaho, and a qualified elector and shall be appointed to assure appropriate geographic representation of the state of Idaho. Not more than four (4) members of the board shall be from any one (1) political party. Two (2) members of the board shall be chosen with due regard to their knowledge of and interest in solid waste; two (2) members shall be chosen for their knowledge of and interest in air quality; two (2) members shall be chosen for their knowledge of and interest in water quality; and one (1) member shall be chosen with due regard for his knowledge of and interest in air, water and solid waste issues. At least four (4) of the board members shall represent the public's interest and not derive any significant portion of their income from persons subject to air quality permits or enforcement orders.

(b) The members of the board of environmental quality shall be appointed for a term of four (4) years. In appointing members whose terms begin in 2000, the governor shall designate three (3) members to be appointed for a term of three (3) years, two (2) members appointed for a term of four (4) years, and two (2) members appointed for a term of two (2) years. Successors to the members appointed for a term of less than four (4) years shall be appointed for a term of four (4) years thereafter.







History:

[39-107, added 1972, ch. 347, sec. 7, p. 1017; am. 1974, ch. 23, sec. 51, p. 633; am. 1978, ch. 45, sec. 2, p. 82; am. 1980, ch. 34, sec. 1, p. 57; am. 1980, ch. 247, sec. 32, p. 604; am. 1980, ch. 325, sec. 2, p. 823; am. 1981, ch. 122, sec. 1, p. 209; am. 1993, ch. 216, sec. 23, p. 605; am. 2000, ch. 132, sec. 10, p. 325; am. 2022, ch. 107, sec. 1, p. 360.]

How current is this law?

**Search the Idaho Statutes and Constitution**

## **Table 3 to Paragraph (c)-City and County Codes and Ordinances**

RECEIVED

MAR 24 1994

IDHW-DEQ  
Coun. d'Alene Field Office

ORDINANCE NO. 939

An ordinance of the City of Sandpoint, Bonner County, Idaho, a municipal corporation of the State of Idaho; to be known as the "Material Specifications for Street Sanding Material" ordinance; providing applicability, definitions, standards, testing requirements, reporting requirements, sweeping requirements, alternate test methods and standards, and, alternate anti-skid materials; report submittal; and, providing a savings clause and severability; and providing for the publication of this ordinance.

Be it ordained by the mayor and city council of the City of Sandpoint, Bonner County, Idaho, as follows:

SECTION I. APPLICABILITY

The provisions of this ordinance shall apply to any state, county, city or local government or private company that applies anti-skid materials to or mechanically sweeps or vacuums paved surfaces within the Sandpoint PM-10 Nonattainment area. This ordinance shall also apply to all suppliers of anti-skid materials to be used by these affected entities.

SECTION II. DEFINITIONS

- A. "Affected Entities" means any state, county, city or local government or private company that applies anti-skid material to, or mechanically sweeps or vacuums paved surfaces within the Sandpoint PM-10 Nonattainment Area.
- B. "Anti-skid Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
- C. "Approved Laboratory" means a certified facility capable of performing the specified tests in a competent, professional, and unbiased manner in accordance with ASTM testing procedures.
- D. "DEQ" means the Idaho Department of Health and Welfare, Division of Environmental Quality.
- E. "Durability Index" means the percent loss of weight as determined using the test method most recently adopted by resolution by the Sandpoint City Council.
- F. "High Degree of Angularity" means that the grains exhibit sharply intersecting, planar faces over their entire surfaces. The most current recommended test method for this criteria shall be adopted by resolution by the Sandpoint City Council.

ORDINANCE NO. 939

- G. "Percent Fines" means that material which is acceptable as defined by standards adopted by resolution of the Sandpoint City Council.
- H. "Recycled Anti-skid Material" is previously used anti-skid material which has been collected from roadways or paved areas within the Sandpoint PM-10 Nonattainment Area and is then, after washing, re-used as is or after blending with new anti-skid material.
- I. "Season" means the time period beginning November 1 in one calendar year and concluding on April 30 of the next calendar year.

SECTION III. ANTI-SKID MATERIAL STANDARDS

- A. All anti-skid materials applied to paved surfaces, whether new or recycled, shall meet or exceed either of the following standards:

- 1. Less than 2% fines and less than 45% durability index; or
- 2. Less than 4% fines, less than 25% durability index, and a high degree of angularity exhibited by the majority of the grains.

- B. Contractual Requirements

After the effective date of this regulation, no affected entity shall execute a contract for the purchase of anti-skid materials unless the contract includes standards at least as stringent as those set forth herein.

- C. User Exemptions

After the effective date of this regulation, if supplies of anti-skid material which meet the standards set forth herein are physically and economically unavailable, then affected entities may use existing stockpiles of anti-skid material until April 30 of 1994.

SECTION IV. TESTING REQUIREMENTS.

- A. General

DEQ, or the user, may require tests to be performed for any of the following physical characteristics of anti-skid materials:

- 1. The percent fines;
- 2. The durability index; and

ORDINANCE NO. 939

3. The degree of angularity exhibited by the majority of the grains.

B. Supplier Requirements

1. Suppliers shall test a representative sample of the anti-skid materials being produced at least once per week during production to determine the percent fines in the material and record the results of the test.
2. Suppliers shall have an approved laboratory test a representative sample of the anti-skid materials being produced at least once per month during production to determine the percent fines in the material and maintain the report of the results prepared by the approved laboratory.
3. Suppliers shall have an approved laboratory test a representative sample from each of the pit sources owned or operated by the supplier at least once during the time period in which the supplier sells anti-skid materials to an affected entity to determine the durability index of the pit material and maintain the report of the results prepared by the approved laboratory.
4. If a supplier is relying upon Section III.A.2., at least once per month during production, the supplier, or a qualified representative of the supplier, shall perform a visual examination of the angularity of the anti-skid material and record the results of the examination.

C. User Requirements

1. Affected entities shall have an approved laboratory test at least one representative sample of the first 250 tons of recycled anti-skid materials used by the entity each winter to determine the percent fines and durability index of the material.
2. Affected entities shall have an approved laboratory test at least one representative sample of each 500 tons of recycled anti-skid materials used by the entity after the initial 250 tons to determine the percent fines in the material.

3. Audit Authority

Designees of DEQ may enter the site of any supplier or user of anti-skid material at all reasonable times and upon the presentation of appropriate credentials for the purpose of obtaining a sample of material to determine if the material meets the applicable standards.

SECTION V. REPORTING REQUIREMENTS

A. Supplier Reporting Requirements

1. Suppliers relying upon Section III.A.2, shall at least once per month during production submit a signed statement to DEQ certifying that the supplier, or a qualified representative of the supplier, performed a visual examination of the angularity of the anti-skid material during the preceding month and detailing the results of that visual examination.
2. Prior to or upon delivery of anti-skid material, suppliers shall provide to DEQ and to the affected entities, that use their anti-skid material, a report documenting that the supplier has met all applicable testing requirements. The supplier shall certify in writing to the affected entity that the anti-skid materials meet the requirements of Section III.A.
3. Prior to or upon delivery of anti-skid material, suppliers shall notify DEQ and the affected entities in writing of the location (UTM coordinates) of the aggregate pit(s) from which the anti-skid material is produced.
4. The supplier shall maintain the information required under the provisions of Section IV.B. for a period of three (3) years.

B. User Requirements

1. Affected entities that use recycled anti-skid material shall submit to DEQ copies of the results of testing conducted according to Section IV.C. no later than 30 days after the tests are conducted.
2. No later than June 30 of each year, affected governmental entities shall submit a report to DEQ containing the following information for the preceding 12 months:

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- (a) The amount of recycled anti-skid material used;
  - (b) The amount of non-recycled anti-skid material used;
  - (c) The amount of salt or other deicing chemicals used;
  - (d) The same information specified in 2(a), 2(b), and 2(c), for all private companies performing sanding, salting, or deicing services under a contract with the affected governmental entity.
3. No later than June 30, of each year, private companies that use 250 tons of anti-skid material or more per season for non-governmental applications within the Sandpoint PM-10 Nonattainment Area shall submit a report to DEQ containing information for the preceding season on the total amount of anti-skid materials (both new and recycled) and salt and other deicing chemicals used.

C. Sweeper Reporting Requirements

Affected entities shall maintain monthly records to document the information described below. No later than June 30 of each year, each affected governmental entity shall submit a report to DEQ which shall contain the information described below for each priority roadway.

- 1. Date of each sweeping operation;
- 2. Lane miles swept; and
- 3. Type of equipment used.

D. DEQ Audit Authority

All records, including but not limited to, test results, reports and visual examination results, generated or maintained under the provisions of this ordinance shall be made available for inspection upon request by DEQ.



ORDINANCE NO. 939

SECTION VI. SWEEPING REQUIREMENTS

Beginning the effective date of this regulation, the Sandpoint Independent Highway District, the City of Sandpoint, Bonner County and the Idaho Transportation Department or their contractors shall clean paved surfaces within the Sandpoint Nonattainment Area as per the guidelines set forth in the Sandpoint Area Winter Road Maintenance Plan. The Winter Road Maintenance Plan will develop guidance for cleaning paved surfaces during the winter season to meet safety and mobility requirements in addition to improving air quality. The affected governmental entities will develop the plan in conjunction with DEQ. The plan will be updated and approved annually by DEQ.

SECTION VII. ALTERNATE TEST METHODS AND STANDARDS

Alternate percent fines and durability index test procedures for percent fines and durability may be approved in writing by DEQ if DEQ determines that the alternate procedures provide a measure that is equivalent to the test procedures prescribed by this ordinance.

SECTION VIII. ALTERNATE ANTI-SKID MATERIALS

Experimentation with alternate anti-skid materials may be approved in writing by DEQ if DEQ determines that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

SECTION IX. REPORT SUBMITTAL

Affected entities and suppliers shall submit all required reports to the appropriate office of the Idaho Division of Environmental Quality as identified by resolution adopted by the Sandpoint City Council.

SECTION X. PUBLIC GOOD

The provisions of this ordinance are hereby found and declared to be in the furtherance of the public health, safety, welfare and convenience and it shall be liberally construed to effect such purposes.

SECTION XI. SEVERABILITY

All ordinances or parts of ordinances or code sections in conflict with this ordinance are hereby repealed to the

ORDINANCE NO. 939

extent of such conflict as necessary. Should any sentence, section, clause, part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any other part thereof other than the part declared to be invalid.

SECTION XII. PUBLICATION

This ordinance shall be in full force and effect upon its publication according to law in the Bonner County Daily Bee, a newspaper of general distribution in the city of Sandpoint, Idaho, and hereby declared to be the official newspaper for the publication of this ordinance.

Passed and adopted as an ordinance of the City of Sandpoint, Idaho, at a regular session of the Sandpoint City Council on February 22, 1994.

  
DWIGHT E. SHEFFLER, MAYOR

ATTEST:

  
HELEN M. NEWTON, CITY CLERK

4-8-1

4-8-1

## CHAPTER 8

### AIR QUALITY

#### SECTION:

- 4-8- 1: Definitions
- 4-8- 2: Air Quality Designations And Advisory Alert Criteria
- 4-8- 3: Public Notification
- 4-8- 4: Burning Solid Fuel Or Refuse
- 4-8- 5: Air Quality Advisory; Additional Restrictions
- 4-8- 6: Air Quality Alert Exemptions
- 4-8- 7: Solid Fuel Heating Appliance Permits
- 4-8- 8: Denial Of Permit Or Exemption
- 4-8- 9: Denial Hearing And Determination By The City Council
- 4-8-10: Appeal Of Decision Of The Board
- 4-8-11: Minimum Standards For Clean Burning Appliances
- 4-8-12: Repeal Of Prior Ordinances And Code Sections In Conflict
- 4-8-13: Severability
- 4-8-14: Violation; Penalty

#### 4-8-1: DEFINITIONS:

**AIR POLLUTION:** The presence in the outdoor atmosphere of any contaminant or combinations thereof in such quantity or of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

**BUILDING:** Any structure, dwelling, office, industrial plant, garage, or barn, whether publicly or privately owned or any other structure as defined by the building code as adopted by title 8, chapter 1 of this code.

**BURN DOWN:** That period of time following an air pollution alert required for the cessation of combustion

within any solid fuel heating appliance or any outdoor fires or burning or incineration included within this chapter.

**CLEAN BURNING  
APPLIANCE:**

A solid fuel heating appliance that is EPA certified and has been placed on the list of approved clean burning appliances maintained by the city building inspector.

**ECONOMIC  
HARDSHIP:**

Fifty percent (50%) or less of Sandpoint's median income as established by the U.S. department of housing and urban development.

**OPEN BURNING:**

The combustion of any material not contained in a heating appliance or incinerator.

**PARTICULATE  
MATTER:**

Gasborne particles resulting from incomplete combustion, consisting predominately, but not exclusively, of carbon and other combustible matter.

**REFUSE:**

All solid wastes, garbage and rubbish, including, but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, foodstuff, Christmas trees, yard debris or chemically treated wood.

**REFUSE  
INCINERATOR:**

Any device designed or operated to reduce the volume of refuse. Natural gas fired pathological incinerators are excluded.

**SOLE SOURCE:**

One or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.

**SOLID FUEL:**

Nonliquid combustible material including wood, coal, pressed logs, pellet fuel, but excluding items defined herein as "refuse".

**SOLID FUEL HEATING  
APPLIANCE:**

An enclosed device designed for solid fuel combustion that is EPA certified. Explicitly excluded are furnaces, boilers, cook stoves, and open fireplaces.

**WORKING DAY:**

Monday through Friday. (Ord. 965, 2-21-1995; amd. Ord. 1237, 7-21-2010)

**4-8-2: AIR QUALITY DESIGNATIONS AND ADVISORY ALERT  
CRITERIA:**

- A. The quality of Sandpoint's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho department of environmental quality.
- B. The quality of Sandpoint's air shall be designated according to the following table:

| Health Effect Designation      | Air Quality Index Value <sup>1</sup> |
|--------------------------------|--------------------------------------|
| Good                           | 0 – 50                               |
| Moderate                       | 51 – 100                             |
| Unhealthy for sensitive groups | 101 – 150                            |
| Unhealthy                      | 151 – 200                            |
| Very unhealthy                 | 201 – 300                            |
| Hazardous                      | 301 – 500                            |

**Note:**

1. An air quality index is applicable to all pollutants and is the EPA nationally recognized pollutant reporting system.

(Ord. 1237, 7-21-2010)

- C. In order to prevent the existence of air quality that is unhealthy for sensitive groups and a potential exceedance of national ambient air quality standard for particulate matter, a "yellow" air pollution "advisory" will be declared whenever:

1. The Idaho department of environmental quality ("DEQ") measures or forecasts levels of particulate matter concentrations exceeding

seventy five percent (75%) of the national ambient air quality standard, or

2. Forecasted air stagnation and conditions are expected to continue for at least twenty four (24) hours, or

3. When a "stage one" forecast and caution is declared by DEQ for particulate concentrations in accordance with the air pollution emergency rule IDAPA 58.01.01.556.01. (Ord. 1258, 9-21-2011)

4-8-3: **PUBLIC NOTIFICATION:** Whenever an air quality advisory is issued, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of the city. (Ord. 1237, 7-21-2010)

4-8-4: **BURNING SOLID FUEL OR REFUSE:**

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel at any time, regardless of advisory condition. (Ord. 1237, 7-21-2010)
- B. No person shall cause or allow a refuse incinerator to be operated contrary to design specifications and manufacturers' instructions. (Ord. 965, 2-21-1995)

4-8-5: **AIR QUALITY ADVISORY; ADDITIONAL RESTRICTIONS:**  
At the onset and during the pendency of a declared air quality "advisory", the following additional restrictions shall apply:

- A. No person shall cause or allow, after a three (3) hour "burn down" period, the operation of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the building department.
- B. No person shall cause or allow the operation of a solid waste incinerator.
- C. No person shall cause or allow open burning of refuse. (Ord. 1237, 7-21-2010)

**4-8-6: AIR QUALITY ALERT EXEMPTIONS:**

- A. The building department shall grant exemptions from this chapter if it is directed by the building inspector or his designated representative that:
1. A solid fuel heating appliance is the sole source of heat for the building in which it is situated; or
  2. Using alternative heating would cause an unreasonable economic hardship; or
  3. The solid fuel heating appliance is listed by the building department as a clean burning appliance.
- B. Any person denied an exemption under this chapter shall be provided, at the option of the applicant for exemption, a hearing before the city council as provided for in this chapter.
- C. Any building constructed after the effective date of this chapter shall not be eligible for an exemption under subsections A1 and A2 of this section. (Ord. 965, 2-21-1995)

**4-8-7: SOLID FUEL HEATING APPLIANCE PERMITS:**

- A. It shall be unlawful for any person in the city to install a solid fuel heating appliance in any new or existing structure until first procuring from the building department a solid fuel heating appliance permit. Permit fees shall be set by resolution adopted by the city council. (Ord. 965, 2-21-1995)
- B. It shall be unlawful for any person in the city to advertise for sale, offer to sell, or sell, for installation in any new or existing building, or to install or allow to be installed in any new or existing building, a solid fuel heating appliance which has not been certified as clean burning by the United States environmental protection agency (EPA). (Ord. 1237, 7-21-2010)

**4-8-8: DENIAL OF PERMIT OR EXEMPTION:** Upon showing of sufficient cause to believe that grounds exist for denial of a permit, or exemption of the rules and regulations of the building depart-

ment, as provided for in this chapter, the building inspector or his designated representative may deny said permit or exemption by:

- A. Notifying the applicant by certified mail, personal service, or substituted service of the grounds for said denial and of the applicant's opportunity to appeal said denial to the city council.
- B. Failure of a person to actually receive a notice sent or served shall not invalidate the denial.
- C. The applicant, upon receiving notice of the denial, may appeal said denial by making application for a hearing before the city council within ten (10) working days of receipt of above notice. (Ord. 965, 2-21-1995)

**4-8-9: DENIAL HEARING AND DETERMINATION BY THE CITY COUNCIL:** The hearing shall be before the city council. At such hearing the applicant may present evidence, call witnesses and be represented by counsel. Within ten (10) working days after the date of the hearing, the city council shall either:

- A. Uphold the denial by the building inspector or his designated representative; or
- B. Allow the issuance of the permit or exemption with modifications or conditions as the council may impose, such modifications or conditions to be reasonably related to the use of the permit or exemption. (Ord. 965, 2-21-1995)

**4-8-10: APPEAL OF DECISION OF THE BOARD:** The decision of the city council on a denial shall be final and conclusive. Appeal from a decision of the council must be made to the district court for Bonner County. (Ord. 965, 2-21-1995)

**4-8-11: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:**

- A. Appliances shall meet the requirements of the code of federal regulations title 40, part 60, subpart AAA, "standards of performance for new residential wood heaters". (Ord. 1237, 7-21-2010)



- B. The building department shall maintain a list of appliances certified to be clean burning. (Ord. 965, 2-21-1995)

4-8-12: **REPEAL OF PRIOR ORDINANCES AND CODE SECTIONS IN CONFLICT:** Any and all prior and existing ordinances and code sections in conflict herewith be and are hereby repealed. (Ord. 965, 2-21-1995)

4-8-13: **SEVERABILITY:** If any portion of this chapter is held invalid, it is the intent of the city that such part shall be deemed severable and the invalidity shall not affect the remaining portions of this chapter. (Ord. 965, 2-21-1995)

4-8-14: **VIOLATION; PENALTY:** A first violation of a provision of this chapter shall be charged as an infraction. The court may assess a fine pursuant to Idaho Code section 18-113A. Each day that a responsible party(ies) allows burning or incineration to continue on property under his or her control may be a separate violation. A new or subsequent violation within two (2) years may be charged as a misdemeanor with penalties pursuant to Idaho Code section 18-113. (Ord. 1237, 7-21-2010)

## **ORDINANCE NO. 965**

AN ORDINANCE OF THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING A SOLID FUEL HEATING APPLIANCE ORDINANCE IN THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO; ESTABLISHING AN AIR QUALITY DESIGNATION AND ALERT CRITERIA; PROVIDING FOR PUBLIC NOTIFICATION OF AIR QUALITY ALERTS; PROHIBITING CERTAIN TYPES OF BURNING DURING AN AIR QUALITY ALERT; PROVIDING FOR A THREE-HOUR BURN DOWN PERIOD; PROVIDING FOR EXEMPTIONS TO THE AIR QUALITY ALERT PROVISIONS; PROVIDING DUE PROCESS FOR DENIAL OF PERMIT OR EXEMPTION; PROVIDING FOR MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES; AND, PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO:

### **SECTION 1 DEFINITIONS**

**AIR POLLUTION:** THE PRESENCE IN THE OUTDOOR ATMOSPHERE OF ANY CONTAMINANT OR COMBINATIONS THEREOF IN SUCH QUALITY OR OF SUCH NATURE AND DURATION AND UNDER SUCH CONDITIONS AS WOULD BE INJURIOUS TO HUMAN HEALTH OR WELFARE, TO ANIMAL OR PLANT LIFE, OR TO PROPERTY, OR TO INTERFERE UNREASONABLY WITH THE ENJOYMENT OF LIFE OR PROPERTY.

**BUILDING:** ANY STRUCTURE, DWELLING, OFFICE, INDUSTRIAL PLANT, GARAGE, OR BARN, WHETHER PUBLICLY OR PRIVATELY OWNED OR ANY OTHER STRUCTURE AS DEFINED BY THE UNIFORM BUILDING CODE AS ADOPTED BY TITLE 8 CHAPTER 1 OF THE SANDPOINT CODE.

**BURN DOWN:** THAT PERIOD OF TIME FOLLOWING AN AIR POLLUTION ALERT REQUIRED FOR THE CESSATION OF COMBUSTION WITHIN ANY SOLID FUEL HEATING APPLIANCE OR ANY OUTDOOR FIRES OR BURNING OR INCINERATION INCLUDED WITHIN THIS ORDINANCE.

**CLEAN BURNING APPLIANCE:** A SOLID FUEL HEATING APPLIANCE THAT HAS EPA PHASE II APPROVAL AND HAS BEEN PLACED ON THE LIST OF APPROVED CLEAN BURNING APPLIANCES MAINTAINED BY THE CITY BUILDING INSPECTOR.

**ECONOMIC HARDSHIP:** FIFTY PERCENT (50%) OR LESS OF SANDPOINT'S MEDIAN INCOME AS ESTABLISHED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

**HEAT OUTPUT:** THE BTU/HOUR OUTPUT OF A SOLID FUEL HEATING APPLIANCE MEASURED UNDER TESTING CRITERIA AS ADOPTED BY THE CITY BUILDING DEPARTMENT.

**OPEN BURNING:** THE COMBUSTION OF ANY MATERIAL NOT CONTAINED IN A HEATING APPLIANCE OR INCINERATOR.

## **ORDINANCE NO. 965**

**PARTICULATE MATTER:** GAS-BORNE PARTICLES RESULTING FROM INCOMPLETE COMBUSTION, CONSISTING PREDOMINATELY, BUT NOT EXCLUSIVELY, OF CARBON AND OTHER COMBUSTIBLE MATTER.

**REFUSE:** ALL SOLID WASTES, GARBAGE AND RUBBISH, INCLUDING, BUT NOT LIMITED TO, CARDBOARD, PLASTIC, RUBBER, STYROFOAM, PETROLEUM PRODUCTS, FOOD STUFF, CHRISTMAS TREES, YARD DEBRIS OR CHEMICALLY TREATED WOOD.

**REFUSE INCINERATOR:** ANY DEVICE DESIGNED OR OPERATED TO REDUCE THE VOLUME OF REFUSE. NATURAL GAS-FIRED PATHOLOGICAL INCINERATORS ARE EXCLUDED.

**SOLE SOURCE:** ONE OR MORE SOLID FUEL HEATING DEVICES WHICH CONSTITUTE THE ONLY SOURCE OF HEAT IN A BUILDING FOR THE PURPOSE OF SPACE HEATING. NO SOLID FUEL HEATING DEVICE(S) SHALL BE THE SOLE SOURCE OF HEAT IF THE BUILDING IS EQUIPPED WITH A PERMANENTLY INSTALLED FURNACE OR HEATING SYSTEM DESIGNED TO HEAT THE BUILDING THAT IS CONNECTED OR UNCONNECTED FROM ITS ENERGY SOURCE, UTILIZING OIL, NATURAL GAS, ELECTRICITY OR PROPANE.

**SOLID FUEL:** NON-LIQUID COMBUSTIBLE MATERIAL INCLUDING WOOD, COAL, PRESSED LOGS, PELLET FUEL, BUT EXCLUDING ITEMS DEFINED HEREIN AS REFUSE.

**SOLID FUEL HEATING APPLIANCE:** AN ENCLOSED DEVICE DESIGNED FOR SOLID FUEL COMBUSTION THAT IS EPA PHASE-TWO APPROVED. EXPLICITLY EXCLUDED ARE FURNACES, BOILERS, COOK STOVES, MASONRY HEATERS AND OPEN FIRE PLACES.

**WEIGHTED AVERAGE:** THE WEIGHTED AVERAGE OF THE TEST RESULTS OF THE DISTRIBUTION OF THE HEATING NEEDS IN THE CITY OF SANDPOINT AS CALCULATED BY THE BUILDING DEPARTMENT.

**WORKING DAY:** MONDAY THROUGH FRIDAY.

### **SECTION 2 AIR QUALITY DESIGNATIONS AND ALERT CRITERIA**

A. THE QUALITY OF SANDPOINT'S AIR SHALL BE DETERMINED BY MONITORING POLLUTANT LEVELS WITH EQUIPMENT AND METHODS APPROVED BY THE IDAHO STATE AIR QUALITY BUREAU.

B. THE QUALITY OF SANDPOINT'S AIR SHALL BE DESIGNATED ACCORDING TO THE FOLLOWING TABLE "PM10" INDICATES PARTICULATE MATTER WITH AN AERODYNAMIC DIAMETER LESS THAN OR EQUAL TO 10 MICRON:

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**HEALTH EFFECT  
DESIGNATION**

**PM 10 CONCENTRATIONS  
24-HOUR (UG/M3)**

|                  |           |
|------------------|-----------|
| GOOD             | 0 - 50    |
| MODERATE         | 51 - 150  |
| UNHEALTHFUL      | 151 - 350 |
| VERY UNHEALTHFUL | 351 - 420 |
| HAZARDOUS        | >420      |

C. IN ORDER TO PREVENT THE EXISTENCE OF AIR QUALITY THAT IS UNHEALTHFUL, AN AIR POLLUTION "ALERT" WILL BE DECLARED WHENEVER THE IDAHO STATE AIR QUALITY BUREAU MEASURES LEVELS OF PM 10 CONCENTRATIONS EXCEEDING 100 MICROGRAMS PER CUBIC METER (UG/M<sup>3</sup>) AND FORECASTS AIR STAGNATION AND CONDITIONS CONTINUING FOR AT LEAST TWENTY-FOUR (24) HOURS.

**SECTION 3  
PUBLIC NOTIFICATION**

WHENEVER AIR POLLUTION ALERT CONDITIONS ARE MET, LOCAL PRINT, RADIO, AND TELEVISION NEWS MEDIA WILL BE NOTIFIED. ANNOUNCEMENTS OF THE EXISTENCE OF AN AIR POLLUTION "ALERT" WILL BE MADE BY THE NEWS MEDIA DURING REGULARLY SCHEDULED BROADCASTS AND IN ALL EDITIONS OF THE OFFICIAL NEWSPAPER OF THE CITY OF SANDPOINT.

**SECTION 4  
BURNING SOLID FUEL OR REFUSE**

A. NO PERSON SHALL CAUSE OR ALLOW REFUSE OR COAL TO BE BURNED IN A SOLID FUEL HEATING APPLIANCE DESIGNED FOR WOOD FUEL.

B. NO PERSON SHALL CAUSE OR ALLOW A REFUSE INCINERATOR TO BE OPERATED CONTRARY TO DESIGN SPECIFICATIONS AND MANUFACTURERS' INSTRUCTIONS.

**SECTION 5  
AIR QUALITY ALERT - ADDITIONAL RESTRICTIONS**

AT THE ONSET AND DURING THE PENDENCY OF A DECLARED AIR QUALITY "ALERT", THE FOLLOWING ADDITIONAL RESTRICTIONS SHALL APPLY:

A. NO PERSON SHALL CAUSE OR ALLOW, AFTER A THREE (3) HOUR "BURN DOWN" PERIOD, THE OPERATION OF A SOLID FUEL HEATING APPLIANCE OR OPEN FIRE PLACE, UNLESS AN EXEMPTION HAS BEEN GRANTED BY THE BUILDING DEPARTMENT.

B. NO PERSON SHALL CAUSE OR ALLOW THE OPERATION OF A SOLID WASTE INCINERATOR.

**ORDINANCE NO. 965**

C. NO PERSON SHALL CAUSE OR ALLOW OPEN BURNING OF REFUSE.

**SECTION 6  
AIR QUALITY ALERT EXEMPTIONS**

A. THE BUILDING DEPARTMENT SHALL GRANT EXEMPTIONS FROM THIS ORDINANCE IF IT IS DIRECTED BY THE BUILDING INSPECTOR OR HIS DESIGNATED REPRESENTATIVE THAT:

1. A SOLID FUEL HEATING APPLIANCE IS THE SOLE SOURCE OF HEAT FOR THE BUILDING IN WHICH IT IS SITUATED; OR,

2. USING ALTERNATIVE HEATING WOULD CAUSE AN UNREASONABLE ECONOMIC HARDSHIP; OR,

3. THE SOLID FUEL HEATING APPLIANCE IS LISTED BY THE BUILDING DEPARTMENT AS A CLEAN BURNING APPLIANCE.

B. ANY PERSON DENIED AN EXEMPTION UNDER THIS CHAPTER SHALL BE PROVIDED, AT THE OPTION OF THE APPLICANT FOR EXEMPTION, A HEARING BEFORE THE CITY COUNCIL AS PROVIDED FOR IN THIS CHAPTER.

C. ANY BUILDING CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE SHALL NOT BE ELIGIBLE FOR AN EXEMPTION UNDER SUBSECTIONS 1 AND 2 ABOVE.

**SECTION 7  
SOLID FUEL HEATING APPLIANCE PERMITS**

A. IT SHALL BE UNLAWFUL FOR ANY PERSON IN THE CITY OF SANDPOINT TO INSTALL A SOLID FUEL HEATING APPLIANCE IN ANY NEW OR EXISTING STRUCTURE UNTIL FIRST PROCURING FROM THE BUILDING DEPARTMENT A SOLID FUEL HEATING APPLIANCE PERMIT. PERMIT FEES SHALL BE SET BY RESOLUTION ADOPTED BY THE SANDPOINT CITY COUNCIL.

B. IT SHALL BE UNLAWFUL ON OR AFTER JULY 1, 1995, FOR ANY PERSON IN THE CITY OF SANDPOINT TO ADVERTISE FOR SALE, OFFER TO SELL, OR SELL, FOR INSTALLATION IN ANY NEW OR EXISTING BUILDING, OR TO INSTALL OR ALLOW TO BE INSTALLED IN ANY NEW OR EXISTING BUILDING, A SOLID FUEL HEATING APPLIANCE WHICH HAS NOT BEEN CERTIFIED AS CLEAN BURNING BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA).

**SECTION 8  
DENIAL OF PERMIT OR EXEMPTION**

UPON SHOWING OF SUFFICIENT CAUSE TO BELIEVE THAT GROUNDS EXIST FOR DENIAL OF A PERMIT, OR EXEMPTION OF THE RULES AND REGULATIONS OF THE BUILDING DEPARTMENT, AS PROVIDED FOR IN THIS CHAPTER, THE

## **ORDINANCE NO. 965**

BUILDING INSPECTOR OR HIS DESIGNATED REPRESENTATIVE MAY DENY SAID PERMIT OR EXEMPTION BY:

A. NOTIFYING THE APPLICANT BY CERTIFIED MAIL, PERSONAL SERVICE, OR SUBSTITUTED SERVICE OF THE GROUNDS FOR SAID DENIAL AND OF THE APPLICANTS OPPORTUNITY TO APPEAL SAID DENIAL TO THE SANDPOINT CITY COUNCIL.

B. FAILURE OF A PERSON TO ACTUALLY RECEIVE A NOTICE SENT OR SERVED SHALL NOT INVALIDATE THE DENIAL.

C. THE APPLICANT, UPON RECEIVING NOTICE OF THE DENIAL, MAY APPEAL SAID DENIAL BY MAKING APPLICATION FOR A HEARING BEFORE THE SANDPOINT CITY COUNCIL WITHIN TEN (10) WORKING DAYS OF RECEIPT OF ABOVE NOTICE.

### **SECTION 9**

#### **DENIAL HEARING AND DETERMINATION BY THE CITY COUNCIL**

THE HEARING SHALL BE BEFORE THE SANDPOINT CITY COUNCIL. AT SUCH HEARING THE APPLICANT MAY PRESENT EVIDENCE, CALL WITNESSES AND BE REPRESENTED BY COUNSEL. WITHIN TEN (10) WORKING DAYS AFTER THE DATE OF THE HEARING, THE CITY COUNCIL SHALL EITHER:

A. UPHOLD THE DENIAL BY THE BUILDING INSPECTOR OR HIS DESIGNATED REPRESENTATIVE; OR,

B. ALLOW THE ISSUANCE OF THE PERMIT OR EXEMPTION WITH MODIFICATIONS OR CONDITIONS AS THE COUNCIL MAY IMPOSE, SUCH MODIFICATIONS OR CONDITIONS TO BE REASONABLY RELATED TO THE USE OF THE PERMIT OR EXEMPTION.

### **SECTION 10**

#### **APPEAL OF DECISION OF THE BOARD**

THE DECISION OF THE CITY COUNCIL ON A DENIAL SHALL BE FINAL AND CONCLUSIVE. APPEAL FROM A DECISION OF THE COUNCIL MUST BE MADE TO THE DISTRICT COURT FOR BONNER COUNTY.

### **SECTION 11**

#### **MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES**

A. IN NO EVENT SHALL THE STANDARDS FOR CLEAN BURNING SOLID FUEL HEATING APPLIANCES ALLOW A WEIGHTED AVERAGE PARTICULATE EMISSION GREATER THAN:

1. FOR A NEW CLEAN BURNING SOLID FUEL HEATING APPLIANCE WITH A MINIMUM HEAT OUTPUT OF LESS THAN 40,000 BTU PER HOUR WHEN TESTED PURSUANT TO PROCEDURES APPROVED BY THE BUILDING DEPARTMENT:

**ORDINANCE NO. 965**

a. 7.5 GRAMS PER HOUR FOR A NON-CATALYTIC SOLID FUEL HEATING APPLIANCE.

b. 4.1 GRAMS PER HOUR FOR A CATALYTIC SOLID FUEL HEATING APPLIANCE.

2. CLEAN BURNING SOLID FUEL HEATING APPLIANCES WITH A MINIMUM HEAT OUTPUT OF GREATER THAN 40,000 BTU PER HOUR SHALL NOT EXCEED AN AVERAGE PARTICULATE EMISSION STANDARD EQUAL TO THE SUM OF 8.0 GRAMS PER HOUR PLUS 0.2 GRAMS PER HOUR FOR EACH THOUSAND BTU PER HOUR HEAT OUTPUT.

B. THE BUILDING DEPARTMENT SHALL MAINTAIN A LIST OF APPLIANCES CERTIFIED TO BE CLEAN BURNING.

**SECTION 12**

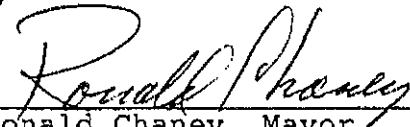
**REPEAL OF PRIOR ORDINANCES AND CODE SECTIONS IN CONFLICT**  
ANY AND ALL PRIOR AND EXISTING ORDINANCES AND CODE SECTIONS OF THE REVISED MUNICIPAL CODE OF THE CITY OF SANDPOINT IN CONFLICT HERewith BE AND ARE HEREBY REPEALED.

**SECTION 13  
SEVERABILITY**


IF ANY PORTION OF THIS CHAPTER IS HELD INVALID, IT IS THE INTENT OF THE CITY OF SANDPOINT THAT SUCH PART SHALL BE DEEMED SEVERABLE AND THE INVALIDITY SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS CHAPTER.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT UPON ITS PUBLICATION ACCORDING TO LAW IN THE BONNER COUNTY DAILY BEE, THE NEWSPAPER OF GENERAL DISTRIBUTION IN BONNER COUNTY, IDAHO, AND HEREBY DECLARED TO BE THE OFFICIAL NEWSPAPER FOR THE PUBLICATION OF THIS ORDINANCE.

ADOPTED this 21<sup>st</sup> day of February, 1995.

  
\_\_\_\_\_  
Ronald Chaney, Mayor

ATTEST

  
\_\_\_\_\_  
Helen M. Newton, City Clerk

ORDINANCE NO. 1237

AN ORDINANCE OF THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 4, CHAPTER 8, SANDPOINT MUNICIPAL CODE; PROVIDING FOR CHANGES TO THE DEFINITIONS; PROVIDING FOR CHANGES TO AIR QUALITY DESIGNATIONS AND ADVISORY ALERT CRITERIA; PROVIDING FOR VIOLATIONS OR PENALTIES; REPEALING PRIOR INCONSISTENT PROVISIONS; PROVIDING THAT THESE PROVISIONS SHALL BE DEEMED SEVERABLE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS: The City has adopted regulations regarding air quality to protect the environment and enhance the living conditions of the citizens of Sandpoint;

WHEREAS: The Environmental Protection Agency has determined that particulate levels should be monitored using PM2.5 rather than the current PM10 standard;

WHEREAS: Portions of the current City Code are outdated and must be amended to allow the City to change its current non-attainment status; and

WHEREAS: The Sandpoint Mayor and City Council find it in the public interest to amend the Sandpoint City Code so as to maintain the Code's currency.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Sandpoint:

**Section 1: Statement of Purpose**

The purpose of these amendments is to update and refine the City of Sandpoint City Code to make it consistent with Environmental Protection Agency air quality standards.

**Section 2:** That the following changes be made to the definitions included in Section 4-8-1 of Sandpoint City Code:

**CLEAN BURNING APPLIANCE:** A solid fuel heating appliance that ~~has~~ is EPA Phase-II ~~approval~~ certified and has been placed on the list of approved clean burning appliances maintained by the City Building Inspector.

~~**HEAT OUTPUT:** The BTU/hour output of a solid fuel heating appliance measured under testing criteria as adopted by the City Building Department.~~

**SOLID FUEL HEATING APPLIANCE:** An enclosed device designed for solid fuel combustion that is EPA Phase-II ~~approved~~ certified. Explicitly excluded are furnaces, boilers, cook stoves, ~~masonry heaters and~~ open fireplaces.



ORDINANCE NO. 1237

~~WEIGHTED AVERAGE: The weighted average of the test results of the distribution of the heating needs in the City of Sandpoint as calculated by the Building Department.~~

Section 3: That Section 4-8-2 be and the same is hereby amended to read as follows:

4-8-2: AIR QUALITY DESIGNATIONS AND ADVISORY ALERT CRITERIA:

A. The quality of Sandpoint's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho State Air Department of Environmental Quality Bureau.

B. The quality of Sandpoint's air shall be designated according to the following table:

| Health Effect Designation      | <del>PM10 Concentrations*</del> <u>24 Hour (UG/M3)</u> <u>Air Quality Index Value*</u> |
|--------------------------------|--|
| Good                           | 0-50   |
| Moderate                       | 51-150   |
| Unhealthy for Sensitive Groups | 101-150  |
| Unhealthfuly                   | 151-35200  |
| Very unhealthfuly              | 35201-42300  |
| Hazardous                      | >420301-500  |

\* "PM10" indicates particulate matter with an aerodynamic diameter less than or equal to 10 microns. An Air Quality Index is applicable to all pollutants and is the EPA nationally recognized pollutant reporting system.

C. In order to prevent the existence of air quality that is unhealthfuly for Sensitive Groups and a potential exceedance of National Ambient Air Quality Standard for fine particulate (PM2.5), an "YELLOW" air pollution "alertADVISORY" will be declared whenever:

1. the Idaho State Air Department of Environmental Quality ("DEQ") Bureau measures levels of PM102.5 concentrations exceeding DEQ Air Quality Advisory Program limits one hundred (100) micrograms per cubic meter (UG/M3) and, or

2. forecasted air stagnation and conditions are expected to continue for at least twenty four (24) hours, or

3. when a "Stage One" Forecast and Caution is declared by DEQ for particulate concentrations reaching or forecasted to reach and persist at or above levels indicated in IDAPA 58.01.01.556.01.

ORDINANCE NO. 1237

**Section 4:** That Section 4-8-3 be and the same is hereby amended to read as follows:

Whenever an air quality advisory is issued~~pollution alert conditions are met~~, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of the City.

**Section 5:** That Section 4-8-4.A be and the same is hereby amended to read as follows:

No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel at any time, regardless of advisory condition.

**Section 6:** That Section 4-8-5 be and the same is hereby amended to read as follows:

At the onset and during the pendency of a declared air quality "~~alert~~advisory", the following additional restrictions shall apply:

- A. No person shall cause or allow, after a three (3) hour "burn down" period, the operation of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the Building Department.
- B. No person shall cause or allow the operation of a solid waste incinerator.
- C. No person shall cause or allow open burning of refuse.

**Section 7:** That Section 4-8-7.B be and the same is hereby amended to read as follows:

It shall be unlawful ~~on or after July 1, 1995~~, for any person in the City to advertise for sale, offer to sell, or sell, for installation in any new or existing building, or to install or allow to be installed in any new or existing building, a solid fuel heating appliance which has not been certified as clean burning by the United States Environmental Protection Agency (EPA).

**Section 8:** That Section 4-8-11.A be and the same is hereby amended to read as follows:

Appliances shall meet the requirements of the Code of Federal Regulations Title 40, Part 60, subpart AAA, "Standards of Performance for New Residential Wood Heaters".

- ~~A. In no event shall the standards for clean burning solid fuel heating appliances allow a weighted average particulate emission greater than:~~
- ~~1. For a new clean burning solid fuel heating appliance with a minimum heat output of less than 40,000 BTU per hour when tested pursuant to procedures approved by the Building Department:~~
    - ~~a. 7.5 grams per hour for a noncatalytic solid fuel heating appliance.~~
    - ~~b. 4.1 grams per hour for a catalytic solid fuel heating appliance.~~

ORDINANCE NO. 1237

~~2. Clean burning solid fuel heating appliances with a minimum heat output of greater than 40,000 BTU per hour shall not exceed an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each thousand BTU per hour heat output.~~

Section 9: That a new section, 4-8-14 be and the same is hereby created as follows:

4-8-14: VIOLATION; PENALTY:

A first violation of a provision of this chapter shall be charged as an infraction. The court may assess a fine pursuant to Idaho Code Section 18-113A. Each day that a responsible party(ies) allows burning or incineration to continue on property under his or her control may be a separate violation. A new or subsequent violation within two (2) years may be charged as a misdemeanor with penalties pursuant to Idaho Code Section 18-113.

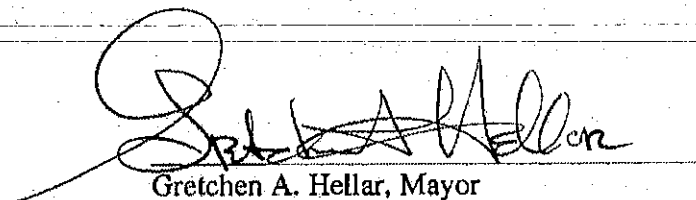
Section 10: Repeal and Severability

- A. That any provisions of the Sandpoint City Code found to be inconsistent with this Ordinance be and the same is hereby repealed.
- B. Should any provision of this ordinance be deemed unlawful or unconstitutional, such finding shall not effect the remaining provisions of this ordinance.

Section 11: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL as an ordinance of the City of Sandpoint on this 21<sup>st</sup> day of July, 2010.

  
Gretchen A. Hellar, Mayor

  
Attest: Maree Peck, City Clerk

ORDINANCE NO. 1258

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 4, CHAPTER 8, SANDPOINT MUNICIPAL CODE; PROVIDING FOR CHANGES TO AIR QUALITY DESIGNATIONS AND ADVISORY ALERT CRITERIA; PROVIDING THAT THESE PROVISIONS SHALL BE DEEMED SEVERABLE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS: The City has adopted regulations regarding air quality to protect the environment and enhance the living conditions of the citizens of Sandpoint;

WHEREAS: The U.S. Environmental Protection Agency ("EPA") has determined that particulate levels should be monitored, and when they are expected to exceed healthy levels, an air advisory is to be declared;

WHEREAS: Portions of the current City Code are outdated and must be amended to allow the EPA to change the City's current non-attainment status; and

WHEREAS: The Sandpoint Mayor and City Council find it in the public interest to amend the Sandpoint City Code so as to maintain the Code's currency.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Sandpoint:

Section 1: Statement of Purpose

The purpose of these amendments is to update and refine the City of Sandpoint City Code to make it consistent with EPA air quality standards.

Section 2: That Section 4-8-2 C be and the same is hereby amended to read as follows:

~~C-In order to prevent the existence of air quality that is unhealthy for sensitive groups and a potential exceedance of national ambient air quality standard for fine particulate (PM<sub>2.5</sub>), a "yellow" air pollution "advisory" will be declared whenever:~~

~~1. The Idaho department of environmental quality ("DEQ") measures levels of PM<sub>2.5</sub> concentrations exceeding DEQ air quality advisory program limits, or~~

~~2. Forecasted air stagnation and conditions are expected to continue for at least twenty-four (24) hours; or~~

~~3. When a "stage one" forecast and caution is declared by DEQ for particulate concentrations reaching or forecasted to reach and persist at or above levels indicated in IEAPA 58.01.01.555.01.~~

ORDINANCE NO. 1258

C. In order to prevent the existence of air quality that is unhealthy for sensitive groups and a potential exceedance of national ambient air quality standard for particulate matter, a "yellow" air pollution "advisory" will be declared whenever:

1. The Idaho Department of Environmental Quality ("DEQ") measures or forecasts levels of particulate matter concentrations exceeding 75% of the National Ambient Air Quality Standard, or

2. Forecasted air stagnation and conditions are expected to continue for at least twenty four (24) hours, or

3. When a "stage one" forecast and caution is declared by DEQ for particulate concentrations in accordance with the Air Pollution Emergency Rule IDAPA 58.01.01.556.01.

Section 3: Repeal and Severability

- A. That any provision of the Sandpoint City Code found to be inconsistent with this Ordinance be and the same is hereby repealed.
- B. Should any provision of this ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this ordinance.

Section 4: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED BY THE CITY COUNCIL, as an ordinance of the City of Sandpoint on this 21<sup>st</sup> day of September, 2011.

  
GRETCHEN A. HELLAR, MAYOR

ATTEST:

  
MARIE PECK, CITY CLERK

ORDINANCE NO. 4432

BY THE COUNCIL: BUERSMEYER, EWING, JENSEN, KCPKE,  
MCADAMS & SELANDER

AN ORDINANCE REPEALING CHAPTER 11 OF TITLE 10 OF THE BOISE CITY CODE AND RE-ENACTING A NEW CHAPTER 11 TO INCLUDE SECTIONS PROVIDING FOR THE CREATION OF RESIDENTIAL PERMIT PARKING ZONES, PARKING IN SUCH ZONES, THE ISSUANCE OF PERMITS TO RESIDENTS OF SUCH ZONES, PARKING PERMIT VIOLATIONS, AND REVOCATION OF PARKING PERMITS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. That Chapter 11 of Title 10 of the Boise City Code be, and the same hereby is, repealed.

Section 2. That Title 10 of the Boise City Code be, and the same hereby is, amended by the addition thereto of a new Chapter 11, to read as follows:

#### CHAPTER 11

#### PARKING

##### SECTION:

- 10-11- 1: Standing or Parking Close to Curb
- 10-11- 2: Angle Parking
- 10-11- 3: Restricted Parking District Designated
- 10-11- 4: Stopping, Standing or Parking Prohibited in Specific Places
- 10-11- 5: Parking Not to Obstruct Traffic
- 10-11- 6: Parking in Alleys
- 10-11- 7: Extended Parking Prohibited
- 10-11- 8: Extended Parking Prohibited in Restricted Parking District
- 10-11- 9: Requirements for Leaving Vehicle Unattended
- 10-11-10: Declaration of Necessity and Purpose
- 10-11-11: Creation of Residential Permit Parking Zones
- 10-11-12: Parking in Residential Permit Parking Zones
- 10-11-13: Issuance of Permits
- 10-11-14: Parking Permit Violations
- 10-11-15: Revocation of Permit
- 10-11-16: Parking Tickets and Procedures
- 10-11-17: Penalties

10-11-1: STANDING OR PARKING CLOSE TO CURB: Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches (18") of the right-hand curb.

On one-way streets a vehicle parked on the left side of the street shall be so stopped or parked with the left-hand wheels of such vehicle parallel to and within eighteen inches (18") of the left-hand curb.

10-11-2: ANGLE PARKING: On those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such markings. (Ord. 2864, 4-1-68)

10-11-3: RESTRICTED PARKING DISTRICT DESIGNATED: There is hereby designated a restricted parking district encompassing the following: Beginning at the northeast corner of the southeast quarter of the southeast quarter of Section 14, Township 3 North, Range 2 East of the Boise Meridian, and thence meandering northwesterly along Boise River to the south boundary of Municipal Park at Boise River; thence northwesterly along the south boundary of said Municipal Park to Walnut Avenue; thence northeasterly along Walnut Avenue east right-of-way to the Oregon Short Line railroad track; thence northwesterly along the Oregon Short Line railroad track to Cottonwood Flume; thence northeasterly along Cottonwood Flume to the northerly right-of-way line of Warm Springs Avenue (hereafter in this description, a named street will include all right-of-way unless otherwise indicated); thence northwesterly along Warm Springs Avenue to Avenue C; thence northeasterly along Avenue C to Avenue D; thence northerly along said Avenue D to Reserve Street; thence northeasterly along Reserve Street to the entrance to Scout Lane; thence following Scout Lane northwesterly, northeasterly and northwesterly to Garrison Road; thence westerly along Garrison Road to Collins Road; thence northwesterly along Collins Road to the Boise City Limit; thence following the city limit line westerly along Collins Road and southwesterly along Fifth Street to Fort Street; thence following the city limit line northwesterly along Fort Street to a point on the easterly right-of-way line on the east side of North Sixth Street; thence northeasterly along the city limit line to an intersection with the northerly right-of-way line of Union Street extended; thence westerly along Union Street extended and Union Street to North Eighth Street; thence southerly along North Eighth Street to Fort Street; thence northwesterly along Fort Street to North Thirteenth Street; thence northerly on North Thirteenth Street to Resseguie Street; thence westerly on Resseguie Street to a point of intersection with the extension of the westerly right-of-way line of Seventeenth Street; thence southwesterly on Seventeenth Street to Idaho Street; thence northwesterly and westerly along Idaho Street to Twenty-ninth Street; thence northerly on Twenty-ninth Street to Jefferson Street; thence westerly on Jefferson Street to the westerly boundary of Whittier Elementary School property and the easterly boundary of the gravel pit; thence southerly and southwesterly along the boundary of the gravel pit to the Boise River; thence southeasterly along the northerly side of the Boise River to Americana Boulevard; thence southwesterly along Americana Boulevard to Crescent Rim Drive; thence southeasterly along Crescent Rim Drive to Capitol Boulevard; thence southeasterly across Capitol Boulevard to a point where Martha Street intercepts Boise Avenue; thence southeasterly along Boise Avenue to Beacon Street; thence easterly along Beacon Street to Division Avenue; thence southerly on Division Avenue to Highland Street; thence easterly and southeasterly along Highland Street to a point where Parkway Drive intercepts; thence easterly to a point at the northeast corner of the southeast quarter of the southeast quarter, Section 14, Township 3 North, Range 2 East of the Boise Meridian, the point of beginning.

10-11-4: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIC PLACES: Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(A) Stop, stand or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
2. On a sidewalk or parkway as defined in Section 9-24-1 of the Boise City Code;
3. Within an intersection;
4. On a crosswalk;
5. On a Bike Lane or Bike Path as defined in Section 10-14-1 of the Boise City Code;
6. Within twenty (20) feet of a Bike Path approach as defined in Section 10-14-1 of the Boise City Code;
7. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
8. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
9. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
10. On any railroad tracks;
11. At any place where official traffic-control devices posted at the direction or under the authority of the Ada County Highway District prohibit such stopping.

(B) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

1. In front of a public or private driveway;
2. Within fifteen (15) feet of a fire hydrant;
3. Within twenty (20) feet of a crosswalk or a Bike/pedestrian curb ramp, as defined in Section 10-14-1 of the Boise City Code, except at an intersection where a traffic control signal is in operation, or in a parking meter zone;
4. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign or traffic control signal located at the side of the roadway;
5. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign-posted;



6. At any place where official traffic control devices posted at the direction or under the authority of the Ada County Highway District prohibit such stopping.
- (C) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
1. Within fifty (50) feet of the nearest rail of a railroad crossing;
  2. Along any yellow painted curb;
  3. At any place where official traffic control devices prohibit such parking.
- (D) Park a vehicle as defined by Section 10-1-1 in or upon a street during the nighttime except that this prohibition does not apply in a business or restricted parking district and the owners or occupants of property adjacent to a street may so park a vehicle in compliance with and as authorized by any other provision of the Boise City Code. The Council, upon finding and declaring the necessity to prohibit the parking or standing of vehicles upon a street during the nighttime or at other times during the day, may upon motion or order direct the Ada County Highway District to post or erect signs prohibiting or limiting the stopping, standing or parking of any vehicle upon the streets of the City. (Ord. 3835, 6-1-76)
- 10-11-5: PARKING NOT TO OBSTRUCT TRAFFIC: No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon a street or highway in such a manner or under such conditions as to leave available less than twelve (12) feet of such roadway for the free movement of vehicular traffic.
- 10-11-6: PARKING IN ALLEYS: No person shall park a vehicle within an alley, and no person shall stop or stand a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
- 10-11-7: EXTENDED PARKING PROHIBITED: Except in the restricted parking district as defined by Section 10-11-3, no person shall park a vehicle upon any street, alley, or public property for a period of seventy-two (72) hours or longer.
- 10-11-8: EXTENDED PARKING PROHIBITED IN RESTRICTED PARKING DISTRICT: No person shall park a vehicle within the restricted parking district as defined in Section 10-11-3, for a period of twenty-four (24) hours or longer.
- 10-11-9: REQUIREMENTS FOR LEAVING VEHICLE UNATTENDED: No person having control or charge of a vehicle shall allow such vehicle to stand on any street unattended without stopping the motor of the vehicle and effectively setting the brakes thereon. (Ord. 2864, 4-1-63)
- 10-11-10: DECLARATION OF NECESSITY AND PURPOSE: The Council of Boise City finds and declares that within certain residential areas of the City there exists a heavy concentration of vehicles which remain parked throughout the day and that a

substantial portion of these vehicles are not owned or operated by residents of these areas; that the presence of these vehicles causes vehicular congestion on residential streets, impedes the movement of traffic and unduly restricts the entry of residents to their homes; that such vehicular congestion creates polluted air, excessive noise, trash and refuse and causes the deterioration of residential areas. The Council therefore declares the necessity and public policy of establishing a procedure for the creation of residential permit parking zones in which parking by non-residents will be restricted and the availability of parking for residents will be protected.

**10-11-11: CREATION OF RESIDENTIAL PERMIT PARKING ZONES:**

- (A) The Parking Commission may determine which, if any, areas of the City should be designated as residential permit parking zones. Upon concluding that an area should be so designated, the Commission shall submit to the City Council a written recommendation specifying the area proposed for designation and the reasons for designation. Upon ratification of the recommendations, the Council, pursuant to Section 10-11-4(D), shall direct the Ada County Highway District to erect signs in the designated area indicating the time limits for parking.
- (B) The Commission shall conduct a public hearing concerning the proposed designation of any area. Such hearing shall be held only after notice thereof has been published in a newspaper of general circulation throughout the City at least ten (10) days prior to the date set for the hearing.
- (C) The Commission shall assign a color to each designated zone. All time-limit parking signs erected within the zone shall indicate the color assigned thereto.

**10-11-12: PARKING IN RESIDENTIAL PERMIT PARKING ZONES:**

- (A) Any vehicle upon which a current residential parking permit is properly displayed may be parked in the zone to which the permit applies without regard to posted time limitations.
- (B) The permit shall be affixed to the lower left corner of the rear window and shall be clearly visible at all times.
- (C) A residential parking permit shall not authorize the holder thereof to park beyond the posted time limits in any residential parking zone other than that to which his permit applies, nor authorize the violation of any other law regulating the stopping or parking of vehicles in the City of Boise, nor exempt the holder from the observance of any traffic regulation.

**10-11-13: ISSUANCE OF PERMITS:**

- (A) The City Treasurer or his or her designated representative, is hereby authorized and directed to issue residential parking permits to vehicle owners or operators who reside within a designated residential permit parking zone. A permit shall be issued upon application without charge.
- (B) The application for a permit shall contain such information as the Treasurer or his or her designated representative shall specify. The permit shall be renewed annually upon application for renewal to the City Treasurer or his or her designated representative. The permit shall display the motor vehicle's license number and shall be color coded according to zone.

(C) The City Treasurer, or his or her designated representative, is authorized and directed to make provision for:

1. The issuance of temporary parking permits to bona fide visitors of residents of designated residential parking zones; and
2. The issuance of exemption parking permits to handicapped persons.

10-11-14: PARKING PERMIT VIOLATIONS: It shall be unlawful for any person to represent that he is entitled to a residential parking permit when he is not so entitled, to fail to surrender a permit to which he is no longer entitled, or to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

10-11-15: REVOCATION OF PERMIT: The City Treasurer, or his or her designated representative, is authorized to revoke the residential parking permit of any permittee found to be in violation of this Chapter, and, upon written notification thereof, the permittee shall surrender such permit to the City Treasurer, or his or her designated representative. Failure when so requested, to surrender a residential parking permit so revoked, shall constitute a violation of Section 10-11-14.

10-11-16: PARKING TICKETS AND PROCEDURES: Except in that area designated the Restricted Parking District as defined in Section 10-11-3, the Police Department shall have authority to issue parking tickets as follows:

- (A) It shall be the duty of the Police Department upon observing a vehicle parked, standing or stopped in violation of the provisions of this Chapter, to leave at or upon such vehicle a notice that such vehicle has been parked or stopped in violation of the provisions of this Chapter. Among other things, the notice shall bear the date and hour of leaving the same at or upon the vehicle, make of the vehicle and its license number, the specific Code Section violated and the amount of the fine, instructing the owner or operator of such vehicle to report to the traffic ticket section under the jurisdiction of the City Treasurer's office. One copy of the notice mentioned herein shall be filed with the traffic section of the City Treasurer's office.
- (B) In order to eliminate burdening courts with violations of ordinances and to eliminate insofar as possible public inconvenience, each person receiving a parking ticket under this Chapter left upon his or her vehicle shall:
  1. Within twenty-four (24) hours of the time of such notice, pay to the traffic ticket section of the City Treasurer's office in full satisfaction of such violation, three dollars (\$3.00) for each notice left upon his or her vehicle;
  2. Within fifteen (15) days from the date of said parking violation ticket, if same has not been paid within the twenty-four (24) hours above prescribed, pay to the traffic section of the City Treasurer's office, an

additional three dollars (\$3.00) for each such notice left upon his or her vehicle, the additional three dollars (\$3.00) for each said ticket being deemed necessary to defray administrative and clerical expenses.

The failure of any operator to report and/or make such payments to the traffic ticket section of the City Treasurer's office within the times prescribed above shall render the operator thereof subject to penalties as provided by Section 10-11-17.

- (C) If any vehicle is found stopped, standing or parked in any manner violative of the provisions of this Chapter and the identity cannot be determined, the owner or person or corporation in whose name said vehicle is registered or the named lessee in a rental or lease agreement of said vehicle shall be held prima facie responsible for said violation.  
(Ord. 3994, 5-2-77)

10-11-17: PENALTIES: Any person who shall violate or fail to comply with any of the provisions of this Chapter, or who shall counsel, aid or abet any such violation or failure to comply, notwithstanding the provisions of Section 10-3-2, shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed fifty dollars (\$50.00) or be imprisoned in the City jail for a period not to exceed thirty (30) days, or be both so fined and imprisoned. (Ord. 3731, 12-8-75)

Section 2. This Ordinance shall be in full force and effect from and after its passage, approval and publication hereof.

PASSED By the Council of the City of Boise City, Idaho,  
this 13th day of August, 1979.

APPROVED By the Mayor of the City of Boise City, Idaho,  
this 13th day of August, 1979.

APPROVED:

Richard R. Eardley  
Mayor

ATTEST:

John W. Lieffert  
City Clerk

12/15/81

BOISE CITY PARKING COMMISSION

REGULAR MEETING

DECEMBER 15, 1981

The regular meeting of the Boise City Parking Commission was called to order by Chairman Call at 12:05 P.M. on December 15, 1981 in the Pre-Council Room, City Hall.

Members present were: Chester Call, Carol Delaney, Ron Woodman, and Gladstone Yearwood. Erv Johnson and Claudia Yelverton arrived after acceptance of the minutes.

Liason and guests present were: Arlene Baldwin, Mike Mather, Paul Hamilton, Randy Nelson, Jan Bronson, Brent Coles, Steve Perry and Marjorie Compton.

Carol Delaney made a motion to accept the minutes as circulated. Seconded by Ron Woodman. Unanimous.

Paul Hamilton discussed Air Quality and the need for an endorsement from the Parking Commission. Carol Delaney made a motion to have Chairman Call write a letter to the Mayor and Council endorsing the "Air Quality Improvement package". The letter is to outline the Commission's reservations on parts of the Downtown Parking Management plans that require consideration. Erv Johnson seconded. Unanimous.

Steve Perry, representing Glenn Nichols, presented a request for parking enforcement of the Capitol Mall area. Mr. Perry discussed the State of Idaho enactment of "Rules and Regulations for Capitol Mall Parking", and the State's need for enforcement. The Commission evidenced some reluctance because of the poor PR this enforcement would create, but also felt an agreement between the State of Idaho and Boise City could have some positive effect on future relations. The Commission recommended that Parking Control staff and the State prepare a detailed plan for presentation at the January 12, 1982 meeting.

Chairman Call pointed out that there were two letters on file concerning problems in areas that were previously not within the Commission's jurisdiction. Since the Commission can now make recommendations on all areas within the city limits, Chairman Call suggested that these letters appear on the next meeting's agenda.

Brent Coles from Boise Planning and Zoning was asked if there was any new planning effort that would affect parking. Mr. Coles mentioned recent work on the parking of compact cars. This will be addressed at a future meeting.

There was a discussion of the PR project. Carol Delaney suggested a short informative sheet explaining available off-street parking. Staff, with suggestions from Claudia Yelverton and Erv Johnson, is to prepare a draft for next meeting. Randy Nelson offered the talents of APA's staff graphic artist.

Next meeting is scheduled for 12:00 noon on January 12, 1982, Pre-Council Room, City Hall.

Claudia Yelverton made a motion to adjourn at 1:30 P.M.. Seconded by Ron Woodman. Unanimous.

Respectfully submitted,

*Jan Bronson*

**Wood Smoke Control Ordinances for the Cities of  
Garden City, Meridian, and Eagle,  
and for Unincorporated Ada County**

Four of following attachments are the current/amended wood smoke control ordinances for the cities of Garden City, Meridian, and Eagle, and for unincorporated Ada County.

Also attached is Table ORDINANCE-1, Explanation of the Enforcement Procedures, Responsibilities, and Sources of Funding for the Ada County, Meridian, Eagle, and Garden City Wood Burning Control Ordinances. The table describes the local government enforcement procedures and funding sources for each ordinance, as well as identifying the agency and/or personnel responsible for implementation of these control measures. If one or more of the local governments fails to implement or enforce its respective ordinance(s), the State of Idaho, by and through the Department of Health and Welfare, will impose Tier II operating permits on all owners or operators of woodstoves within the jurisdiction of the local government(s) and the Northern Ada County/Boise PM<sub>10</sub> Nonattainment Area.

The information reported in the table was collected through personal contacts with representatives from each agency listed by Division of Environmental Quality (DEQ), Southwest Idaho regional staff. The information was summarized into its current format and returned to each participating agency for review. The table represents information confirmed by the participating agencies.

DEQ realizes that local agencies can shift responsibilities between its different departments and make procedural changes over time. Recognizing this flexibility in local government, Southwest Idaho DEQ regional staff shall maintain the information listed in the table by reviewing each agencies program on an annual basis and making changes as necessary.

BY THE COUNCIL:

COOKE, KULL, LOIBL, CLAIBORNE

AN ORDINANCE PROVIDING FOR SOLID FUEL HEATING APPLIANCE REGULATION AND PERMITS; PROVIDES DEFINITIONS TO BE USED; ESTABLISHES AN AIR QUALITY DESIGNATION AND ALERT CRITERIA; PROVIDES FOR PUBLIC NOTIFICATION OF AIR QUALITY ALERTS; PROHIBITS CERTAIN TYPES OF BURNING DURING AN AIR QUALITY ALERT; PROVIDES FOR A THREE-HOUR BURN DOWN PERIOD; PROVIDES FOR EXEMPTIONS TO THE AIR QUALITY ALERT PROVISIONS; PROVIDES DUE PROCESS FOR DENIAL OF PERMIT OR EXEMPTION; PROVIDES FOR MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES; PROVIDES FOR A SOLID FUEL HEATING APPLIANCE APPEALS AND ADVISORY BOARD; PROVIDES FOR AN INCENTIVE PROGRAM FOR THE INSTALLATION OF CLEAN-BURNING SOLID FUEL HEATING APPLIANCES; PROVIDES FOR A PENALTY FOR NONCOMPLIANCE; AND PROVIDES FOR WAIVER OF THE READING RULES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

ARTICLE I. This ordinance shall be known as the "Solid Fuel Heating Appliance Ordinance of the City of Garden City, Idaho," and the same is hereby enacted to read as follows:

SECTION A. OBJECTIVE: To protect air quality resources vital to public health, safety and economic future of Garden City by controlling emissions from solid fuel and refuse burning.

SECTION B. APPLICABILITY: The provisions of this ordinance shall apply to all areas of Garden City.

SECTION C. DEFINITIONS:

For the purposes of this ordinance, the following terms, phrases, words, and derivations shall have the meaning given herein. The word "shall" is always mandatory, not merely directory.

"Air Pollution" the presence in the outdoor atmosphere of any contaminant or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

"Building" means any structure, dwelling, office, industrial plant, garage, or barn, whether publicly or privately owned or any other structure as defined by the Uniform Building Code as adopted by Garden City Ordinance No. 511.

"Burn Down" that period of time following an air pollution alert, required for the cessation of combustion within any solid-fuel heating appliance, included within this ordinance.

"Clean-Burning Appliance" means a solid fuel heating appliance that the Building Department has determined to meet emission performance standards set in accordance with this chapter.

"Economic Hardship" means fifty percent (50%) or less of Garden City's median income as established by the U.S. Department of Housing and Urban Development (HUD).

"Heat Output" means the Btu/hour output of a solid fuel heating appliance measured under testing criteria as adopted by the Garden City Building Department.

"Open Burning" means the combustion of any material not contained in a heating appliance or incinerator.

"Particulate Matter" gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.

"Person" means any individual, firm, partnership, association, corporation, company, organization, or government entity.

"Refuse" means all solid wastes, garbage and rubbish, including but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, foodstuff, Christmas trees, yard debris or chemically treated wood.

"Refuse Incinerator" means any device designed or operated to reduce the volume of refuse. Natural gas-fired pathological incinerators are excluded.

"Solid Fuel" means any form of untreated wood or coal.

"Solid Fuel Heating Appliance" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, including, but not limited to, solid fuel-fired cooking stoves, pot-bellied stoves, Franklin stoves, air-tight stoves, fire-place inserts, or combination fuel furnaces or boilers which burn solid fuel. Fireplaces with air-to-fuel ratios that exceed thirty (30) to one (1) air-to-fuel ratios are exempt.

"Weighted Average" means the weighted average of the test results of the distribution of the heating needs in Garden City as calculated by the Building Department.



SECTION D. AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:

1. The quality of Garden City's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho State Air Quality Bureau.
2. The quality of Garden City's air shall be designated according to the following table:

| <u>Health Effect<br/>Designation</u> | <u>Total Suspended<br/>Particulates,<br/>24-hour (<math>\mu\text{g}/\text{m}^3</math>)</u> |
|--------------------------------------|--|
| Good                                 | 0-75   |
| Moderate                             | 76-260   |
| Unhealthful                          | 261-375  |
| Very Unhealthful                     | 376-625  |
| Hazardous                            | above 626  |

3. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho State Air Quality Bureau measures levels of total suspended particulates exceeding 200 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and forecasts air stagnation conditions continuing for at least 24 hours.

SECTION E. PUBLIC NOTIFICATION: Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of Garden City.

SECTION F. BURNING SOLID FUEL OR REFUSE:

1. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.
2. No person shall cause or allow a refuse incinerator to be operated contrary to design specifications and manufacturers' instructions.

SECTION G. AIR QUALITY ALERT/ADDITIONAL RESTRICTIONS: At the onset and during the pendency of a declared air quality "alert", the following additional restrictions apply:

1. No person shall cause or allow, after a three (3) hour "burn down" period, the operation of a solid fuel heating appliance, unless an exemption has been granted by the Building Department and an exemption decal is displayed and visible from a place of public access.

2. No person shall cause or allow the operation of a solid waste incinerator.
3. No person shall cause or allow open burning of refuse.

#### SECTION H. AIR QUALITY ALERT EXEMPTIONS:

1. The Building Department shall grant exemptions from this ordinance if it is determined by the Building Director or designee that:
  - a. A solid fuel heating appliance is the sole source of heat for the building in which it is situated; or
  - b. That using alternative heating would cause an unreasonable economic hardship; or
  - c. The solid fuel heating appliance is listed by the Building Department as a clean-burning appliance.
2. Any person denied an exemption under this section shall be provided, at the option of the applicant for exemption, a hearing before the Mayor and City Council.
3. Any building constructed after the effective date of this Ordinance shall not be eligible for an exemption under Subsections "a" and "b" above.

#### SECTION I. SOLID FUEL HEATING APPLIANCE PERMITS:

1. It shall be unlawful for any person in the City of Garden City to install a solid fuel heating appliance in any new or existing structure until first procuring from the Building Department a solid fuel heating appliance permit.
2. It shall be unlawful on or after July 1, 1987, for any person in the City of Garden City to: advertise for sale, offer to sell, for installation in any new or existing building, a solid fuel heating appliance which has not been certified as clean burning by the Oregon Department of Environmental Quality (DEQ).

SECTION J. DENIAL OF PERMIT OR EXEMPTION: Upon a showing of sufficient cause to believe that grounds exist for denial of a permit, exemption, or the rules and regulations of the Building Department, as provided for in this Ordinance, the Director or designee may deny said permit or exemption by:

1. Notifying the applicant by certified mail, personal service, or substituted service of the grounds for said denial and of the applicant's opportunity to appeal said Mayor and City Council.

2. Failure of a person to actually receive a notice sent or served, shall not invalidate the denial.
3. The applicant, upon receiving notice of the denial, may appeal said denial by making application for a hearing before the Mayor and City Council within ten (10) working days of receipt of above notice.

**SECTION K. DENIAL HEARING AND DETERMINATION BY MAYOR AND CITY COUNCIL:**

The hearing shall be before the Mayor and City Council. At such hearing the applicant may present evidence, call witnesses and be represented by Counsel. Within ten (10) working days after the date of the hearing, the Mayor and City Council shall either:

1. Approve the denial by the Director or designee.
2. Allow the issuance of the permit or exemption with modifications or conditions as the Board may impose, such modifications or conditions to be reasonably related to the use of the permit or exemption.

**SECTION L. APPEAL OF DECISION OF MAYOR AND CITY COUNCIL:** The decision of the Mayor and City Council on a denial shall be final and conclusive. Appeal from a decision of the Mayor and City Council must be made to the District Court for Ada County.

**SECTION M. MINIMUM STANDARDS FOR CLEAN-BURNING APPLIANCES:**

1. In no event shall the standards for clean-burning solid fuel heating appliances, as adopted by rule and regulation by the Building Department allow a weighted average particulate emission greater than:
  - a. For a new clean-burning solid fuel heating appliance with a heat output of less than 40,000 Btu/hr, from and after July 1, 1987 until June 30, 1988, when tested pursuant to procedures approved by the Building Department:
    - (1) 15 grams per hour for a non-catalytic solid fuel heating appliance.
    - (2) 6 grams per hour for a catalyst-equipped solid fuel heating appliance.
  - b. For a new clean-burning solid fuel heating appliance with a minimum heat output of less than 40,000 Btu per hour, after July 1, 1988, when tested pursuant to procedures approved by the Building Department:

c. Clean-burning solid fuel heating appliances with a minimum heat output of greater than 40,000 Btu per hour, after January 1, 1987 shall not exceed an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each thousand Btu per hour heat output.

d. Any person denied a clean-burning solid fuel heating appliance permit shall have a right to a hearing pursuant to this Ordinance.

2. The Building Department shall maintain a list of appliances certified to be clean burning by the Oregon Department of Environmental Quality.

SECTION N. INCENTIVE PROGRAM FOR THE INSTALLATION OF CLEAN-BURNING SOLID FUEL HEATING APPLIANCES: The City of Garden City shall endeavor to create, and provide funding for, an incentive program for the installation of solid fuel heating appliances consistent with the emissions standards provided for solid fuel heating appliances in buildings. Such incentive program shall provide low interest loans, or other inducements, to eligible persons, for the installation of solid fuel heating appliances in existing residential and/or commercial units.

SECTION O. PENALTY: The violation of any of the provisions of this Ordinance or the failure or omission to perform any duty imposed by the provisions of this Ordinance is hereby declared unlawful and punishable as a misdemeanor.

ARTICLE II: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same hereby is, dispensed with, and accordingly this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

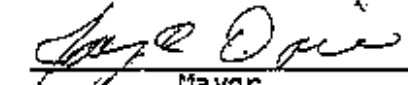
PASSED by the Council of the City of Garden City, Idaho, this

12 day of MAY, 1987.

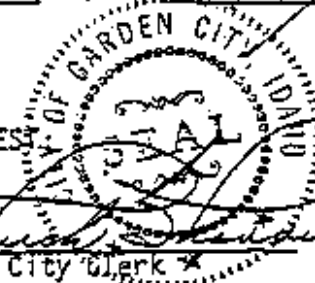
APPROVED by the Mayor of the City of Garden City, Idaho, this

14 day of MAY, 1987.

APPROVED:

  
Mayor

ATTEST



City Clerk

ORDINANCE NO. 533

BY THE COUNCIL: CLAIRBORNE, KULL, LOIBL, and PORTER

AN ORDINANCE AMENDING TITLE 4, CHAPTER 10A, SECTION 3, GARDEN CITY CODE, TO PROVIDE FOR A CHANGE IN THE STANDARDS FOR SOLID FUEL HEATING APPLIANCE TO COMPLY WITH FEDERAL STANDARDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, subsequent to the adoption of the Solid Fuel Heating Appliance Ordinance the Federal Government has promulgated new standards for particulate emission;

WHEREAS, The Development Services Coordinator recommends the change from the current standard of total suspended particulates per cubic meter to the federal standard of particulate matter with an aerodynamic diameter less than or equal to 10 microns.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY, IDAHO:

Section 1. That Title 4, Chapter 10A, Section 3, Garden City Code, be, and the same is hereby amended to read as follows:

4-6-4: AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:

- A. The quality of Garden City's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho State Air Quality Bureau.
- B. The quality of Garden City's air shall be designated according to the following table "PM10" indicates particulate matter with an aerodynamic diameter less than or equal to 10 micron:

| Designation      | Total Suspended<br>Particulates<br>24-Hour-(ug/m3) | Health Effect<br>PM10 Concentrations<br>24-hour (ug/m3) |
|------------------|--|---|
| Good             | 0-50   | 0-50  |
| Moderate         | 51-150   | 51-150  |
| Unhealthful      | 151-200  | 151-350   |
| Very Unhealthful | 201-300  | 201-420   |
| Hazardous        | above-300  | above 420   |

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho State Air Quality Bureau measures levels of total suspended particulates PM10 exceeding 200 110 micrograms per cubic meter (ug/m3) and forecasts air stagnation conditions continuing for at least 24-hours.

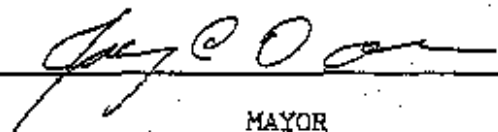
Section 2. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the Council of the City of Garden City, Idaho, this 10th day of January, 1989.

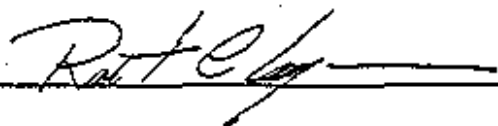
APPROVED by the Mayor of the City of Garden City, Idaho, this 10th day January, 1989.



APPROVED:

  
MAYOR

ATTEST:



CITY CLERK

BY THE COUNCIL: GOODMAN, PEREZ, PIGG AND WEAVER

AN ORDINANCE BY THE CITY OF GARDEN CITY, A MUNICIPAL CORPORATION, RELATING TO AIR POLLUTION CONTROL FROM SOLID FUEL HEATING APPLIANCES, AMENDING THE DEFINITION FOR PARTICULATE MATTER; ADDING A NEW DEFINITION FOR DEQ; SUBSTITUTING REFERENCES TO THE IDAHO STATE AIR QUALITY BUREAU WITH THE NEW TERM DEQ; CORRECTING A TYPOGRAPHICAL ERROR; AMENDING AND MORE SPECIFICALLY DEFINING STANDARDS FOR THE LEVEL AT WHICH AN AIR QUALITY ALERT IS TO BE CALLED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GARDEN CITY:

SECTION 1: THAT SECTION 4-10A-2, THE DEFINITION FOR PARTICULATE MATTER, GARDEN CITY CODE BE AMENDED TO READ AS FOLLOWS:

|                       |   |
|-----------------------|---|
| PARTICULATE<br>MATTER | (PM10) Gas-borne particles, <u>less than or equal to 10 micrometers aerodynamic diameter</u> , resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter. |
|-----------------------|---|

SECTION 2: THAT A NEW DEFINITION BE ADDED TO SECTION 4-10-2A, GARDEN CITY CODE AS FOLLOWS:

|     |  |
|-----|--|
| DEQ | Idaho State Department of Health and Welfare - Division of Environmental Quality |
|-----|--|

SECTION 3: THAT SECTION 4-10A-3-1, GARDEN CITY CODE BE AMENDED TO READ AS FOLLOWS:

- A. The quality of Garden City's air shall be determined by monitoring pollutant levels with equipment and methods approved by the ~~Idaho State Air Quality Bureau~~ DEQ.

- B. The quality of Garden City's air shall be designated according to the following table "PM10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:

| Designation      | Health Effect<br>PM10 Concentrations<br>24-hour (ug/m3) |
|------------------|---|
| Good             | 0-50  |
| Moderate         | 51-150  |
| Unhealthful      | 151-350   |
| Very Unhealthful | 351-420   |
| Hazardous        | above 420   |

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the ~~Idaho State Air Quality Bureau~~ DEQ measures levels of PM10 particulate matter less than or equal to ten (10) microns in aerodynamic diameter, exceeding one hundred ten (110) micrograms per cubic meter (ug/m3) and forecasts air stagnation conditions continuing for at least twenty four (24) hours.

**SECTION 4:** Should any of the provisions of this Ordinance be held invalid for any cause, or should any portion of this Ordinance be declared invalid, then such declaration of invalidity shall not affect the remainder of balance of this Ordinance.

**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage, approval and publication hereof.

PASSED by the City Council and APPROVED by the Mayor of the City of Garden City, Idaho, this 13th day of September, 1994.

ATTEST:

APPROVED:

  
Dave O'Leary, City Clerk

  
Ted E. Ellis, Mayor



ORDINANCE NO. 667

AN ORDINANCE OF THE CITY OF MERIDIAN AMENDING TITLE 6 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF MERIDIAN TO ADD A NEW CHAPTER TO BE KNOWN AS THE CLEAN AIR ORDINANCES OF THE CITY OF MERIDIAN TO PROVIDE FOR CLEAN AIR INCLUDING SHORT TITLE, AUTHORITY AND PURPOSE, APPLICABILITY, DEFINITIONS, AIR QUALITY DESIGNATIONS AND ALERT CRITERIA, PUBLIC NOTIFICATION, BURNING SOLID FUEL OR REFUSE, AIR QUALITY ALERT EXEMPTIONS, MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES, APPLICABILITY OF CHAPTER AND PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Meridian, Ada County, Idaho (the "City") is a municipal corporation of the State of Idaho and is authorized by Chapter 3, Title 50, Idaho Code, to adopt ordinances to maintain the welfare of the City and, where federally mandated, enforce such ordinances by either criminal or civil penalties; and

WHEREAS, the City Council of the City of Meridian (the "Council") has found that the health and welfare of the residents of the City are adversely impacted by air pollution caused by the burning of solid fuel and refuse; and

WHEREAS, the State of Idaho, Department of Health and Welfare, Division of Environmental Quality ("IDEQ") has established a program pursuant to Chapter 85, Title 42, United States Code (the Federal "Clean Air Act") for the establishment of air quality designations, alert criteria and bans for solid fuel and refuse burning; and

WHEREAS, the Council has found that controlling the emissions from solid fuel and refuse burning will protect the health and welfare of the citizens of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, ADA COUNTY, IDAHO:

SECTION 1:      SHORT TITLE:    This Chapter shall be known and cited as the *Meridian Clean Air Ordinance*.

SECTION 2:      AUTHORITY AND PURPOSE:    The purpose of this Chapter is to protect air quality resources vital to the public health, safety, and welfare of Meridian residents and the economic future by controlling emissions from solid fuel and refuse burning. This Chapter is promulgated under the authority of the Idaho Constitution, Article 12, Section 2, and Idaho Code §§ 31-714 and 31-801.

SECTION 3:      APPLICABILITY: This Chapter shall apply to all areas of the City of Meridian and those areas annexed to the City of Meridian hereafter.

SECTION 4:      DEFINITIONS:    For the purpose of this Chapter, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directory.

AIR POLLUTION: The presence in the outdoor atmosphere of any contaminates, or combinations thereof, in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, or to interfere unreasonably with the enjoyment of life or property.

BUILDING: Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the Uniform Building Code as adopted in Chapter 1, Title 2, of the Revised and Compiled Ordinances of the City of Meridian.

BURN DOWN: That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any outdoor fires or burning or incineration included within this Chapter.

CLEAN BURNING

APPLIANCE: A solid fuel heating appliance that has been

certified as clean burning by either the Oregon Department of Environmental Quality or the United States Environmental Protection Agency and has been placed on the list of approved clean burning appliances maintained by the City Clerk.

**ECONOMIC HARDSHIP:** Fifty percent (50%) or less of Ada County's median income as established by the U.S. Department of Housing and Urban Development.

**FIREPLACE:** A residential solid fuel burning device with an air-to-fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

**HEAT OUTPUT:** The British Thermal Unit (BTU)/hour output of a solid fuel heating appliance measured under the testing criteria as adopted by the Ada County Development Services Department.

**OPEN BURNING:** The combustion of any material not contained in a heating appliance or incinerator.

**PARTICULATE**

**MATTER:** Any gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.

**PERSON:** Any individual, firm, partnership, association, corporation, company, organization or governmental entity.

**REFUSE:** All solid waste, garbage, and rubbish, including but not limited to cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris, or chemically treated wood.

**REFUSE**

**INCINERATOR:** Any device designed or operated to reduce the volume of refuse, Natural gas-fired pathological incinerators are excluded.

**SOLE SOURCE:** One or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas,

electricity or propane.

**SOLID FUEL:** Any form of untreated wood or coal.

**SOLID FUEL HEATING**

**APPLIANCE:** An enclosed device designed for solid fuel combustion that meets all of the following criteria:

- A. An air-to-fuel averaging less than thirty five to one (35-to-1);
- B. Firebox volume less than twenty (20) cubic feet;
- C. Minimum burn rate less than five (5) kilograms per hour; and
- D. Maximum weight of less than eight hundred (800) kilograms.

Explicitly excluded are furnaces, boilers, cook stoves, and open fireplaces.

**SECTION 5. AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:**

- A. The quality of Meridian's air shall be determined by monitoring pollutant levels in and/or around the City of Meridian with equipment and methods approved by the Idaho State Division of Environmental Quality.
- B. The quality of Ada County's air shall be designated according to the following table, where "PM 10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:

| <u>Health Effect</u><br><u>Designation</u> | <u>PM 10 Concentrations</u><br><u>24-hour (ug/m<sup>3</sup>)</u> |
|--|--|
| Good                                       | 0- 50  |
| Moderate                                   | 51-150   |
| Unhealthful                                | 151-350  |
| Very unhealthful                           | 351-420  |
| Hazardous                                  | >420   |

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho State Division of Environment Quality measures levels of PM 10 concentrations exceeding one hundred (100) micrograms per cubic meter (ug/m<sup>3</sup>) and forecasts air stagnation conditions continuing for at least twenty four (24) hours.

SECTION 6: PUBLIC NOTIFICATION: Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of Ada County.

SECTION 7: BURNING SOLID FUEL OR REFUSE:

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.
- B. No person shall cause or allow a refuse incinerator to be operated contrary to the design, specifications, and manufacturer's instructions.

SECTION 8: AIR QUALITY ALERT/ADDITIONAL RESTRICTIONS:

At the onset and during the pendency of a declared air quality "alert", the following additional restrictions apply:

- A. No person shall cause or allow, after a three (3) hour "burn down", the operations of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the City Clerk.
- B. No person shall cause or allow the operation of a solid waste incinerator.
- C. No person shall cause or allow open burning or refuse or solid fuel.

SECTION 9: AIR QUALITY ALERT EXEMPTIONS:

- A. The City Clerk shall grant exemptions from this Chapter if it is determined by the City Clerk that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or
  - 2. Using alternative heating would cause an unreasonable economic hardship; or
  - 3. The solid fuel heating appliance is listed by Ada

County Development Services as a clean burning appliance.

- B. Any person denied an exemption under this Chapter shall be provided, at the option of the applicant for the exemption, a hearing before the Mayor and City Council.
- C. Any building constructed after the effective date of this Chapter shall not be eligible for an exemption under subsections A1 and A2 above.

SECTION 10: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:

- A. In no event shall the standards for clean burning solid fuel heating appliances allow a weighted average particulate emission greater than:
  - 1. For a new clean burning solid fuel heating appliance with a minimum heat output of less than forth thousand (40,000) BTU per hour and tested pursuant to procedures approved by the Building Department.
    - a. Seven and five-tenths (7.5) grams per hour for a noncatalytic solid fuel heating appliance.
    - b. Four and one-tenth (4.1) grams per hour for a catalytic solid fuel heating appliance.
  - 2. Clean burning solid fuel heating appliances with a minimum heat output of greater than forth thousand (40,000) BTU per hour shall not exceed an average particulate emission standard equal to the sum of eight and zero-tenths (8.0) grams per hour plus two-tenths (0.2) grams per hour for each one thousand (1,000) BTU per hour heat output.
  - 3. For any other solid fuel heating appliance officially exempted by the Environmental Protection Agency from the above requirements.

SECTION 11: APPLICABILITY OF CHAPTER: Nothing in this Chapter is intended to conflict with, supersede, repeal, or affect any other regulations or requirements for the installation or inspection of solid fuel heating appliances, including, but not limited to, those regulations adopted at Title 2, Chapter 1, of the Revised and Compiled Ordinances of the City of Meridian. Further,

CLEAN AIR ORDINANCE

nothing in this Chapter is entitled to conflict with, supersede, repeal, or affect any other regulations or requirements for the burning, outdoor fires, and incineration permits including, but not limited to, those regulations adopted at Title 6, Chapter 5, of the Revised and Compiled Ordinances of the City of Meridian.

SECTION 12: PENALTY: A violation of any of the provisions of this Chapter or the failure or omission to perform any duty imposed by the provisions of this Chapter is hereby declared unlawful and punishable as a misdemeanor.

SECTION 13: EFFECTIVE DATE: WHEREAS, there is an emergency therefor, which emergency is hereby declared to exist, this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED AND APPROVED this 16<sup>th</sup> day of August, 1994.

CITY OF MERIDIAN

  
GRANT P. KINGSFORD-MAYOR

ATTEST:

  
WILLIAM G. BERG, JR. CITY CLERK

ORDINANCE NO. 245

AN ORDINANCE OF THE CITY OF EAGLE CITY, ADA COUNTY, IDAHO,  
~~AMENDING TITLE 4 OF THE EAGLE CITY CODE TO ESTABLISH REQUIREMENTS~~  
LIMITING THE BURNING OF SOLID FUEL AND/OR REFUSE DURING DECLARED  
AIR POLLUTION ALERTS

WHEREAS, the City of Eagle, Ada County, Idaho (the "City") is a municipal corporation of the State of Idaho and is authorized by Chapter 3, Title 50, Idaho Code, to adopt ordinances to maintain the welfare of the City and where federally mandated enforce such ordinances by either criminal or civil penalties; and

WHEREAS, the City Council of the City of Eagle (the "Council") has found that the health and welfare of the residents of the City are adversely impacted by air pollution caused by the burning of solid fuel and refuse; and

WHEREAS, the State of Idaho, Department of Health and Welfare, Division of Environmental Quality ("IDEQ") has established a program pursuant to Chapter 85, Title 42, United States Code (the federal "Clean Air Act") for the establishment of air quality designations, alert criteria and bans for solid fuel and refuse burning; and

WHEREAS, the Council has found that controlling the emissions from solid fuel and refuse burning will protect the health and welfare of the citizens of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EAGLE, ADA COUNTY, IDAHO, as follows:

Section 1: That Title 4, Eagle City Code, be, and the same hereby is, amended to add a new Chapter 6 as follows:

Chapter 6

CLEAN AIR

4-6-1: **SHORT TITLE:** This Chapter shall be known and cited as the City of Eagle Clean Air Ordinance.

4-6-2: **AUTHORITY AND PURPOSE:** The purpose of this Chapter is to protect air quality resources vital to the public health, safety, and welfare of the City of Eagle residents.



and the economic future of the City of Eagle by controlling emissions from solid fuel and refuse burning. This Chapter is promulgated under the authority of Idaho Code Section 50-302.

**4-6-3: DEFINITIONS:** For the purpose of this Chapter, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always ~~mandatory and not merely directory~~.

**AIR POLLUTION**

The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, to interfere unreasonably with the enjoyment of life or property.

~~**BUILDING**~~

~~Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the Uniform Building Code as adopted by Chapter 1, Title 7, Eagle City Code.~~

**BURN DOWN**

That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any outdoor fires or burning or incineration included within this ordinance.

**CLEAN BURNING  
APPLIANCE**

A solid fuel heating appliance that has been certified as clean burning by either the Oregon Department of Environmental Quality or the United States Environmental Protection Agency and has been placed on the list of approved clean burning appliances maintained by the City Clerk.

**ECONOMIC HARDSHIP**

Means fifty percent (50%) or less of City of Eagle's median income as established by the U.S. Department of Housing and Urban Development.

**FIREPLACE**

Means a residential solid fuel burning device with an air-to-fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

**HEAT OUTPUT** The British Thermal Unit (BTU)/hour output of a solid fuel heating appliance.

**OPEN BURNING** Means the combustion of any material not contained in a heating appliance or incinerator.

**PARTICULATE MATTER** Any gas-borne particles resulting from incomplete combustion consisting predominantly, but not exclusively, of carbon and other combustible matter.

**PERSON** Any individual, firm, partnership, association, corporation, company, organization or governmental entity.

**REFUSE** All solid waste, garbage, and rubbish, including but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris, or chemically treated wood.

**REFUSE INCINERATOR** Any device designed or operated to reduce the volume of refuse. Natural gas-fired pathological incinerators are excluded.

**SOLE SOURCE** Means one or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.

**SOLID FUEL** Any form of untreated wood or coal.

**SOLID FUEL HEATING APPLIANCE** An enclosed device designed for solid fuel combustion that meets all of the following criteria:

- a) an air-to fuel ration averaging less than thirty-five to one (35-to 1);
- b) firebox volume less than twenty (20) cubic feet;
- c) minimum burn rate less than five (5) kilograms per hour; and
- d) maximum weight of less than eight hundred (800) kilograms.

Explicitly excluded are furnaces, boilers, cook stoves, and open fireplaces.

#### 4-6-4: AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:

- A. The quality of the City of Eagle's air shall be determined by monitoring pollutant levels in and/or around the City of Eagle with equipment and methods approved by the Idaho State Department of Environmental Quality.
- ~~B. The quality of the City of Eagle's air shall be designated according to the following table, where "PM 10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:~~

| <u>Health Effect Designation</u> | <u>PM 10 Concentrations 24-hour (<math>\mu\text{g}/\text{m}^3</math>)</u> |
|----------------------------------|---|
| Good                             | 0-50  |
| Moderate                         | 51-150  |
| Unhealthful                      | 151-350   |
| Very Unhealthful                 | 351-420   |
| Hazardous                        | > 420   |

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho Department of Environmental Quality measures levels of PM 10 concentrations exceeding 100 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and forecasts air stagnation conditions continuing for at least 24 hours.

4-6-5: PUBLIC NOTIFICATION: Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts.

#### 4-6-6: BURNING SOLID FUEL OR REFUSE:

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.
- B. No person shall cause or allow a refuse incinerator to be operated contrary to the design, specifications, and manufacturer's instructions.

4-6-7: AIR QUALITY ALERT/ADDITIONAL RESTRICTIONS: At the onset and during the pendency of a declared air quality "alert," the following additional restrictions apply:

- A. No person shall cause or allow, after a three (3) hour "burn down", the operation of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the City Clerk.
- B. No person shall cause or allow the operation of a solid waste incinerator.
- C. ~~No person shall cause or allow open burning of refuse or solid fuel.~~

#### **4-6-8: AIR QUALITY ALERT EXEMPTIONS:**

- A. The City Clerk shall grant exemptions from this Chapter if it is determined by the City Clerk that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or
  - 2. Using alternative heating would cause an unreasonable economic hardship; or
  - 3. The solid fuel heating appliance is listed by the City Clerk as a clean burning appliance.
- B. Any person denied an exemption under this Chapter shall be provided, at the option of the applicant for the exemption, a hearing before the City Council.
- C. Any building constructed after the effective date of this Chapter shall not be eligible for an exemption under subsections 1 and 2 above.

#### **4-6-7: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:**

- A. In no event shall the standards for clean burning solid fuel heating appliances allow a weighted average particulate emission greater than:
  - 1. For a new clean burning solid fuel heating appliance with a minimum heat output of less than 40,000 BTU per hour and tested pursuant to procedures approved by the Building Department.
    - a. 7.5 grams per hour for a non-catalytic solid fuel heating appliance.
    - b. 4.1 grams per hour for a catalytic solid fuel heating appliance.
  - 2. Clean burning solid fuel heating appliances with a minimum heat output of greater than 40,000 BTU per hour shall not exceed an average particulate emission

standard equal to the sum of 8.0 grams per hour plus 0.2. grams per hour for each 1,000 BTU per hour heat output.

3. For any other solid fuel heating appliance officially exempted by the Environmental Protection Agency from the above requirements.

~~4-9-10: APPLICABILITY OF CHAPTER:~~ Nothing in this Chapter is intended to conflict with, supersede, repeal, or affect any other regulations or requirements for the installation or inspection of solid fuel heating appliances, including, but not limited to, those regulations adopted at Chapter \_\_\_, Title \_\_\_, \_\_\_\_\_ City Code. Further, nothing in this Chapter is entitled to conflict with, supersede, repeal, or affect any other regulations or requirements for the burning, outdoor fires, and incineration permits including, but not limited to, those regulations adopted at Chapter \_\_\_, Title \_\_\_, Section \_\_\_, \_\_\_\_\_ Code.

4-9-11: PENALTY: A violation of any of the provisions of this Chapter or the failure or omission to perform any duty imposed by the provisions of this Chapter is hereby declared unlawful and punishable as a misdemeanor.

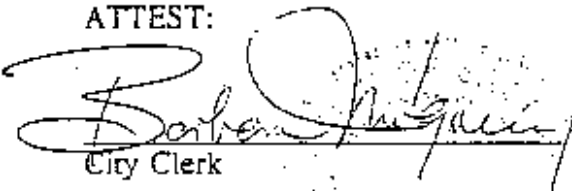
Section 2: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

DATED this 26 day of April, 1994.

CITY OF EAGLE  
Ada County, Idaho

  
Mayor

ATTEST:

  
City Clerk

( S E A L )

AN ORDINANCE AMENDING TITLE 5 OF THE ADA COUNTY CODE TO CREATE A NEW CHAPTER 10 ENTITLED THE ADA COUNTY CLEAN AIR ORDINANCE, TO PUT INTO EFFECT REQUIREMENTS FOR WHEN PERSONS MAY BURN SOLID FUEL AND/OR REFUSE DURING DECLARED AIR POLLUTION ALERTS; TO REPEAL TITLE 7, CHAPTER 6, ENTITLED ADA COUNTY SOLID FUEL HEATING APPLIANCE ORDINANCE AND REENACT SAID ORDINANCE WITH AMENDMENTS AS PART OF TITLE 5, CHAPTER 10 OF THE ADA COUNTY CODE; AND TO AMEND TITLE 5, CHAPTER 2, SECTION 10 TO ADD THE REQUIREMENT THAT DURING TIMES OF AIR POLLUTION ALERTS PERSONS HOLDING PERMITS ALLOWING OUTDOOR BURNING SHALL BE SUBJECT TO THE REQUIREMENTS OF THE ADA COUNTY CLEAN AIR ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, THAT TITLE 7, CHAPTER 6 OF THE ADA COUNTY CODE BE REPEALED AND BE REENACTED WITH AMENDMENTS AS PART OF TITLE 5, CHAPTER 10 OF THE ADA COUNTY CODE; THAT TITLE 5, CHAPTER 2, SECTION 10 OF THE ADA COUNTY CODE BE AMENDED; AND THAT TITLE 5, OF THE ADA COUNTY CODE BE AMENDED AS FOLLOWS:

TITLE 5, CHAPTER 2, SECTION 10

BURNING, OUTDOOR FIRES AND INCINERATION

Section 5-2-10D: Prohibited Burning, shall be amended to add a new paragraph 3 as follows:

- D. 3. Notwithstanding the provisions of any section of this Chapter, no person shall allow, suffer, cause or permit the burning of any material which violates an air pollution alert as specified in Title 5, Chapter 10, of the Ada County Code known as the Ada County Clean Air Ordinance.

TITLE 5

PUBLIC HEALTH AND SAFETY

Title 5: Public Health and Safety, shall be amended to add a new Chapter 10 as follows:

## CHAPTER 10

### CLEAN AIR

5-10-1: **SHORT TITLE:** This Chapter shall be known and cited as the Ada County Clean Air Ordinance.

5-10-2: **AUTHORITY AND PURPOSE:** The purpose of this Chapter is to protect air quality resources vital to the public health, safety, and welfare of Ada County residents and the economic future of Ada County by controlling emissions from solid fuel and refuse burning. This Chapter is promulgated under the authority of the Idaho Constitution, Article 12, Section 2, and Idaho Code §§ 31-714 and 31-801.

5-10-3: **APPLICABILITY:** This Chapter shall apply to all areas of unincorporated Ada County with the following areas being specifically excluded from this Chapter:

1. All that area of Ada County lying to the south of the Boise Base Line. The Boise Base Line being that line which runs from the southwest corner of section thirty-one (31), township one (1) north, range one (1) west, east to the southeast corner of section thirty-three (33), township one (1) north, range four (4) east.
2. That area of southwest Ada County that lies south of Amity Road and west of Cloverdale Road to the point where Cloverdale Road intersects the Boise Base Line.
3. All areas of Ada County that are at 3,500 feet or above mean sea level.

A copy of a map showing the areas to be excluded from this Chapter is available from the Clerk of the Board of Ada County Commissioners.

5-10-4: **DEFINITIONS:** For the purpose of this Chapter, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directory.

#### AIR POLLUTION

The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal

life, or to property, or to interfere unreasonably with the enjoyment of life or property.

**BUILDING**

Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the Uniform Building Code as adopted by Chapter 2, Title 7, Ada County Code.

**BURN DOWN**

That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any outdoor fires or burning or incineration included within this ordinance.

**CLEAN BURNING  
APPLIANCE**

A solid fuel heating appliance that has been certified as clean burning by either the Oregon Department of Environmental Quality or the United States Environmental Protection Agency and has been placed on the list of approved clean burning appliances maintained by Ada County Development Services.

**ECONOMIC HARDSHIP**

Means fifty percent (50%) or less of Ada County's median income as established by the U.S. Department of Housing and Urban Development.

**FIREPLACE**

Means a residential solid fuel burning device with an air-to-fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

**HEAT OUTPUT**

The British Thermal Unit (BTU)/hour output of a solid fuel heating appliance measured under the testing criteria as adopted by the Ada County Development Services Department.

**OPEN BURNING**

Means the combustion of any material not contained in a heating appliance or incinerator.



|                                 |   |
|---------------------------------|---|
| PARTICULATE<br>MATTER           | Any gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.  |
| PERSON                          | Any individual, firm, partnership, association, corporation, company, organization or governmental entity.  |
| REFUSE                          | All solid waste, garbage, and rubbish, including but not limited to, cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris, or chemically treated wood.   |
| REFUSE<br>INCINERATOR           | Any device designed or operated to reduce the volume of refuse. Natural gas-fired pathological incinerators are excluded.   |
| SOLE SOURCE                     | Means one or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.  |
| SOLID FUEL                      | Any form of untreated wood or coal.   |
| SOLID FUEL<br>HEATING APPLIANCE | An enclosed device designed for solid fuel combustion that meets all of the following criteria: <ul style="list-style-type: none"> <li>a) an air-to-fuel ratio averaging less than thirty-five to one (35-to-1);</li> <li>b) firebox volume less than twenty (20) cubic feet;</li> <li>c) minimum burn rate less than five (5) kilograms per hour; and</li> <li>d) maximum weight of less than eight hundred (800) kilograms.</li> </ul> Explicitly excluded are furnaces, boilers, cook stoves, and open fireplaces. |
| WEIGHTED AVERAGE                | The weighted average of the test results of the distribution of the heating needs in Ada County as calculated by the Building Department of Ada County.   |

5-10-5: AIR QUALITY DESIGNATIONS AND ALERT CRITERIA:

- A. The quality of Ada County's air shall be determined by monitoring pollutant levels with equipment and methods approved by the Idaho State Department of Environmental Quality.
- B. The quality of Ada County's air shall be designated according to the following table, where "PM 10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:

| <u>Health Effect<br/>Designation</u> | <u>PM 10 Concentrations<br/>24-hour (<math>\mu\text{g}/\text{m}^3</math>)</u> |
|--------------------------------------|---|
| Good                                 | 0-50  |
| Moderate                             | 51-150  |
| Unhealthful                          | 151-350   |
| Very Unhealthful                     | 351-420   |
| Hazardous                            | >420  |

- C. In order to prevent the existence of air quality that is unhealthful, an air pollution "alert" will be declared whenever the Idaho Department of Environmental Quality measures levels of PM 10 concentrations exceeding 100 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and forecasts air stagnation conditions continuing for at least 24 hours.

5-10-6: PUBLIC NOTIFICATION: Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in all editions of the official newspaper of Ada County.

5-10-7: BURNING SOLID FUEL OR REFUSE:

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.
- B. No person shall cause or allow a refuse incinerator to be operated contrary to the design, specifications, and manufacturer's instructions.

5-10-8: AIR QUALITY ALERT/ADDITIONAL RESTRICTIONS: At the onset and during the pendency of a declared air quality "alert", the following additional restrictions apply:

- A. No person shall cause or allow, after a three (3) hour "burn down", the operation of a solid fuel heating appliance or open fireplace, unless an exemption has been granted by the Building Department in Ada County and an exemption decal is displayed and visible from a place of public access.
- B. No person shall cause or allow the operation of a solid waste incinerator.
- C. No person shall cause or allow open burning of refuse or solid fuel.

5-10-9: AIR QUALITY ALERT EXEMPTIONS:

- A. Ada County Development Services shall grant exemptions from this Chapter if it is determined by Ada County Development Services that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or
  - 2. Using alternative heating would cause an unreasonable economic hardship; or
  - 3. The solid fuel heating appliance is listed by Ada County Development Services as a clean burning appliance.
- B. Any person denied an exemption under this Chapter shall be provided, at the option of the applicant for the exemption, a hearing before the Building Board of Appeals as created at Chapter 1, Title 7, Ada County Code.
- C. Any building constructed after the effective date of this Chapter shall not be eligible for an exemption under subsections 1 and 2 above.

5-10-10: SOLID FUEL HEATING APPLIANCE PERMITS:

- A. It shall be unlawful for any person in the unincorporated areas of Ada County to install a solid fuel heating appliance in any new or existing building without first obtaining from Ada County Development Services a solid fuel heating appliance permit.
- B. It shall be unlawful on or after July 1, 1987, for any person in unincorporated Ada County to:

advertise for sale, offer to sell, or sell for installation in any new or existing building, a solid fuel heating appliance which is not a clean burning appliance.

**5-10-11: ISSUANCE OF SOLID FUEL HEATING APPLIANCE PERMITS:**

- A. No solid fuel heating appliance permit shall be issued by the Director of Ada County Development Services or his designee for the installation of a solid fuel heating appliance which is not a clean burning appliance.
- B. Ada County Development Services shall maintain a list of clean burning appliances.

**5-10-12: DENIAL OF PERMIT:**

- A. Upon a showing of sufficient cause to believe that grounds exist for the denial of the permit, the Director of Ada County Development Services or his designee may deny an application for a permit by sending through the regular mail to the address on the application a written notice containing the grounds for said denial and of the applicant's opportunity to appeal said denial to the Building Board of Appeals as created at Chapter 1, Title 7, Ada County Code.
- B. Failure of a person to actually receive a notice sent shall not invalidate the denial.
- C. The applicant, upon receiving notice of the denial, may appeal said denial by making application with Ada County Development Services for a hearing before the Building Board of Appeals within ten (10) working days of receipt of the above notice.

**5-10-13: DENIAL HEARING AND DETERMINATION BY BOARD:** At any hearing before the Building Board of Appeals pursuant to this Chapter, applicant may present evidence, call witnesses, and be represented by counsel. Within ten (10) working days after the date of the hearing, the Building Board of Appeals shall after making appropriate written findings either:

- a. Uphold the denial by the Director of Development Services or his designee; or
- b. Allow the issuance of the permit or exemption with modifications or conditions as the Board may

impose, such modifications or conditions to be reasonably related to the use of the permit or exemption.

5-10-14: **APPEAL OF DECISION OF BOARD:** A decision of the Building Board of Appeals on a denial shall be final and conclusive. Appeal from a decision of the Building Board of Appeals must be made to the District Court of the State of Idaho, in and for the County of Ada.

5-10-15: **MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES:**

A. In no event shall the standards for clean burning solid fuel heating appliances, as adopted by rule and regulation by the Building Department and upon approval of this Chapter, allow a weighted average particulate emission greater than:

1. For a new clean burning solid fuel heating appliance with a minimum heat output of less than 40,000 BTU per hour and tested pursuant to procedures approved by the Building Department.

a. 7.5 grams per hour for a non-catalytic solid fuel heating appliance.

b. 4.1 grams per hour for a catalytic solid fuel heating appliance.

2. Clean burning solid fuel heating appliances with a minimum heat output of greater than 40,000 BTU per hour shall not exceed an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each 1,000 BTU per hour heat output.

3. For any other solid fuel heating appliance officially exempted by the Environmental Protection Agency from the above requirements.

5-10-16: **APPLICABILITY OF CHAPTER:** Nothing in this Chapter is intended to conflict with, supersede, repeal, or affect any other regulations or requirements for the installation or inspection of solid fuel heating appliances, including, but not limited to, those regulations adopted at Chapter 2, Title 7, Ada County Code. Further, nothing in this Chapter is entitled to conflict with, supersede, repeal, or affect any other regulations or requirements for the burning, outdoor

fires, and incineration permits including, but not limited to, those regulations adopted at Chapter 2, Title 5, Section 10, Ada County Code.

5-10-17: PENALTY: A violation of any of the provisions of this Chapter or the failure or omission to perform any duty imposed by the provisions of this Chapter is hereby declared unlawful and punishable as a misdemeanor.

ADOPTED THIS 3 DAY OF Nov., 1992.

BOARD OF ADA COUNTY COMMISSIONERS

By:

John Bastida  
John Bastida  
Chairman

By:

Gary Glenn  
Gary Glenn  
Commissioner

By:

Vernon L. Bisterfeldt  
Vernon L. Bisterfeldt  
Commissioner

ATTEST:

David Navarro  
J. David Navarro, Ada County Clerk

Published: 11/7/92

**Attachment 5: TABLE ORDINANCE-1**

**Explanation of the Enforcement Procedures, Responsibilities,  
and Sources of Funding for the Northern Ada County  
Wood Burning Control Ordinances**

**TABLE: ORDINANCE-1**

**Explanation of the Enforcement Procedures, Responsibilities, and Sources of Funding  
for the Northern Ada County Wood Burning Control Ordinances**

| Jurisdiction  | Agency Responsible for Issuing Wood Smoke Permits   | Agency Responsible for Issuing Wood Smoke Perceptions   | Agency Responsible for Enforcement  | Enforcement Procedure   | Penalties for Enforcement of Ordinance        | Source of Funding for Implementation of Ordinance   |
|---|---|---|---|---|---|---|
| Ada County<br>Ordinance # 254<br>Adopted 11-3-92                                    | Ada County Developmental Services, Building Division<br>650 Main Street<br>Boise, Idaho 83702<br>(208) 364-2277 | Ada County Developmental Services, Building Division<br>650 Main Street<br>Boise, Idaho 83702<br>(208) 364-2277 | Ada County Developmental Services, Building Division<br>Mechanical Inspector<br>650 Main Street<br>Boise, Idaho 83702<br>(208) 364-2277 | Address checked for exemption status, resident contacted, 1st time offense issued warning, subsequent offenses referred to County Prosecuting Attorney for Prosecution. | Maximum \$300 fine and/or six months in jail. | Ada County General Budget, no specific line items. Partial funding from wood stove permit fees. |
| City of Meridian<br>Ordinance # 667<br>Adopted 8-16-94                              | Public Works<br>Building Department<br>33 E. Idaho Avenue<br>Meridian, Idaho 83642<br>(208) 888-2211            | City Clerk<br>33 E. Idaho Avenue<br>Meridian, Idaho 83642<br>(208) 888-4433                                     | Meridian Police Dept.<br>City Ordinance Officer<br>201 E. Idaho 83642<br>Meridian, Idaho<br>(208) 888-6678                              | Address checked for exemption status, resident contacted, 1st time offense issued warning, subsequent offenses receive citation.  | Maximum \$300 fine and/or six months in jail. | Meridian General Budget, no specific line items.  |
| City of Eagle<br>Ordinance # 245<br>Adopted 5-26-94                                 | City Clerk Office<br>310 E. State<br>Eagle, Idaho 83702<br>(208) 939-6813                                       | City Clerk Office<br>310 E. State<br>Eagle, Idaho 83702<br>(208) 939-6813                                       | Ada County Sheriff Dept.<br>(208) 377-6790  | Address checked for exemption status, resident contacted, 1st time offense issued warning, subsequent offenses receive citation.  | Maximum \$300 fine and/or six months in jail. | Eagle General Budget, no specific line items.   |
| Garden City<br>Ordinance # 514<br>Adopted 5-12-87<br>Revised 1-10-89<br>and 9-13-94 | Building Department<br>201 E. 50th Street<br>Garden City, Idaho 83702<br>(208) 377-1811                         | Building Department<br>201 E. 50th Street<br>Garden City, Idaho 83702<br>(208) 377-1811                         | Garden City Police Department<br>201 E. 50th Street<br>Garden City, Idaho 83702<br>(208) 377-2018                                       | Address checked for exemption status, resident contacted, 1st time offense issued warning, subsequent offenses receive citation.  | Maximum \$300 fine and/or six months in jail. | Garden City General Budget, no specific line items.   |



ORDINANCE NO. 2450

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, ENACTING A NEW CHAPTER 8.20, "SOLID FUEL BURNING REGULATIONS," OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO, 1983; PROVIDING DEFINITIONS; PROHIBITING THE BURNING OF REFUSE OR OTHER SOLID MATERIAL, OPERATION OF ANY SOLID WASTE INCINERATOR, SOLID FUEL HEATING APPLIANCE, OR OPEN FIREPLACE DURING A DECLARED AIR QUALITY ALERT; PROVIDING EXCEPTIONS FOR (1) THOSE WHICH ARE THE SOLE SOURCE OF HEAT FOR THE ENTIRE RESIDENCE AND WHICH ARE SO REGISTERED WITH THE POCATELLO FIRE DEPARTMENT AND (2) FOR THOSE WHICH HAVE NO VISIBLE EMISSIONS AND FOR WHICH AN EXEMPTION HAS BEEN GRANTED AND AN EXEMPTION DECAL IS VISIBLE FROM A PLACE OF PUBLIC ACCESS; PROVIDING FOR APPEALS FROM DENIAL OF EXEMPTIONS; PROHIBITING THE SALE OR OFFERING FOR SALE OF ANY SOLID FUEL BURNING APPLIANCE WHICH IS NOT LISTED BY THE EPA, OR EXEMPTED BY THE EPA FROM SUCH LISTING, WITHIN THE CITY LIMITS OF THE CITY OF POCATELLO; PROVIDING THAT A PERMIT MUST BE OBTAINED FROM THE POCATELLO FIRE DEPARTMENT PRIOR TO INSTALLATION OF ANY SOLID FUEL BURNING APPLIANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Pocatello has been classified as a Non-Attainment Area in terms of its air quality; and

WHEREAS, the City is required to take measures to protect air quality, particularly during periods of air stagnation conditions when concentrations of particulate matter exceed acceptable levels; and

WHEREAS, controlling emissions from solid fuel and refuse burning during periods of air quality "alerts" is an effective means of moderating the amount of air-borne particulate matter;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

Section 1: That a new Chapter 8.20, "Air Quality Protection" be enacted to read as follows:

**§.20.010. Purpose.** The purpose of this chapter is to protect air quality resources vital to the public health, safety, and welfare of the citizens of Pocatello by controlling emissions from solid fuel and refuse burning.

**§.20.020. Definitions.** For purposes of this chapter, the following terms and phrases shall have the meanings given herein. The word "shall" is always mandatory and not merely directive.

**A. Air Pollution:** the presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, or as would be an unreasonable interference with the enjoyment of life or property.

**B. Building:** any structure, dwelling, office, industrial plant, garage, bar, and the like, whether publicly or privately owned, or any other structure as defined by the Uniform Building Code.

**C. Burn Down:** that period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliance or any outdoor fires or other burning or incineration.

**D. Clean Burning Appliance:** A solid fuel heating appliance that has been certified as a clean burning appliance by either the Idaho Division of Environmental Quality or the United States Environmental Protection Agency.

E. Fireplace: a residential solid fuel burning device with an air-to-fuel ratio of greater than thirty which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of fireplace.

F. Refuse. All solid waste, garbage, and rubbish, including but not limited to cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris, or chemically treated wood.

G. Refuse Incinerator. Any device designed or operated to reduce the volume of refuse through burning or incineration. Natural gas-fired pathological incinerators are excluded.

H. Sole Source of Heat. A heating device which by itself, or in combination with other(s) of the same type, serves as the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be considered the sole source of heat if the building is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity, or propane, designed to heat the building--whether such system is connected, unconnected, or removed from its energy source.

I. Solid Fuel: Non-liquid combustible material including wood, coal, pressed logs, pellet fuel, but excluding items defined as refuse herein.

J. Solid Fuel Heating Appliance: An enclosed device designed for solid fuel combustion that meets all of the following criteria:

1. an air-to-fuel ratio averaging less than thirty-five to one;
2. firebox volume less than twenty cubic feet;
3. minimum burn rate less than five kilograms per hour; and
4. maximum weight of less than eight hundred kilograms.

Specifically excluded are furnaces, boilers, cook stoves, and fireplaces.

8.20.030 Regulations for burning of solid fuel or refuse.

A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.

B. No person shall cause or allow a refuse incinerator to be operated contrary to the design, specification, or manufacturer's instructions.

C. No person shall cause, or allow, to be burned any railroad ties, treated wood, carcinogens, or any materials treated with carcinogens.

D. No person shall operate a residential solid fuel burning device or fireplace if the visible emissions exceed 20% opacity as measured by EPA Method 9, except as follows:

1. During an initial fifteen minute start-up period
2. During refueling operations which may not exceed a fifteen minute period in any three hour period.

**8.20.040 Solid Fuel Heating Appliance Restrictions and Permits.**

A. From and after December 1, 1993, no person may sell or offer for sale within the city limits of Pocatello any solid fuel heating appliance which is not listed and certified by the EPA as a clean burning appliance or exempt from such listing pursuant to EPA regulations.

B. No person shall install any solid fuel heating appliance in any new or existing building without first having obtained a permit to do so from the Pocatello Fire Department on forms provided by the Fire Prevention Division. In order for such a permit to be granted, all such appliances shall be listed and certified by the EPA as clean burning appliances or exempt from such listing pursuant to EPA regulations. Installations shall be in accordance with the Uniform Fire Code and manufacturer's instructions.

C. From and after December 1, 1993, no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat.

**8.20.050. Air Quality Designations and Alert Criteria, Notification.** The City hereby adopts the Idaho

Division of Environmental Quality's health effect designations for varying levels of particulate matter as set forth below (PM-10 indicating particulate matter with an aerodynamic diameter less than or equal to ten microns):

| <u>Health Effect Designation</u> | <u>PM-10 Concentrations/cubic meter</u> |
|----------------------------------|---|
| Good                             | 0-50                                    |
| Moderate                         | 51-150                                  |
| Unhealthful                      | 151-350                                 |
| Very Unhealthful                 | 351-420                                 |
| Hazardous                        | >420                                    |

B. The Idaho Division of Environmental Quality declares "air quality alerts" whenever it measures levels of PM-10 concentration exceeding 120 micrograms and weather forecasts indicate air stagnation conditions will continue for at least 24 hours. When the Division informs the City that such conditions exist and notifies local print, radio, and television news media that an air pollution alert is being declared, the City shall also post notice of the air pollution alert in the same manner as City Council meeting notices.

**8.20.060 Prohibition on burning during alert.**

Whenever an air quality alert has been declared, the following prohibitions on burning shall apply:

A. No person shall operate, or allow to be operated, a solid fuel heating appliance or fireplace.

B. No person shall operate or allow the operation of a refuse incinerator.

B. No person shall cause or allow to occur, any open burning of any materials or fuel.

**8.20.070. Exemptions to burning prohibitions.**

A. All solid fuel burning appliances classified by the EPA as a clean burning appliance or specifically exempted pursuant to EPA regulations from such listing may be operated during such alerts.

B. A three-hour burn-down period shall be allowed for solid fuel heating appliances or fireplaces not so listed whose operation was commenced prior to the air quality alert.

C. Any solid fuel burning device which is the sole source of heat for the building in which it is situated may be operated during air quality alerts provided:

1. The appliance is registered and certified by the Pocatello Fire Department as the sole source of heat;
2. An exemption decal for the appliance is prominently displayed in a place visible from the public right-of-way or other place of public access; and
3. Using alternative heating would cause an unreasonable economic hardship.

**8.20.080 Appeals.** Any person denied an exemption decal under this Chapter shall be provided, at his option, a hearing before the City Council. The decision of the City Council on a denial shall be final and conclusive. Any further appeals must be made to the Sixth Judicial District Court of the State of Idaho.

**8.20.090 Penalty.** A violation of any of the provisions of this chapter or the failure to perform any duty, or obtain any permit, or otherwise comply with any requirements of

this chapter is hereby declared unlawful and punishable as a misdemeanor.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

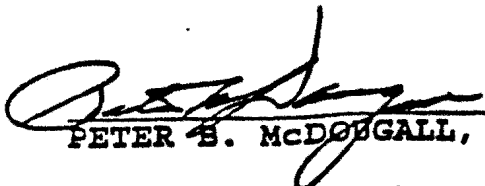
PASSED AND APPROVED this 12 day of July, 1994.

CITY OF POCA TELLO, a municipal corporation of Idaho



PETER J. ANGSTADT, Mayor

ATTEST:



PETER B. McDOUGALL, City Clerk

PUBLISHED: 1-12-94



ORDINANCE NO. 2726

AN ORDINANCE OF THE CITY OF POCA TELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING SECTION 8.20.050 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCA TELLO, 1983; ADOPTING THE DEPARTMENT OF ENVIRONMENTAL QUALITY'S AIR QUALITY DESIGNATIONS AND CONCENTRATIONS AND REMOVING THE TABLE OF THOSE DESIGNATIONS FROM THE TEXT OF THE SECTION; PROVIDING THAT ALL SECTIONS OF CHAPTER 8.20 NOT HEREIN AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW, THE RULE REQUIRING THAT AN ORDINANCE BE READ ON THREE SEPARATE OCCASIONS HAVING BEEN DISPENSED WITH.

WHEREAS, staff of the local office of the Department of Environmental Quality recently presented information to the City Council in regard to the need for lowering the concentration levels of particulate matter in the air at which they declare "air quality alerts"; and

WHEREAS, the current City Code not only adopts the Department's set of health-effect designations and the particulate matter concentrations related thereto, but sets them out in the text of the ordinance; and

WHEREAS, there is likelihood that the standards, designations and concentrations currently adopted may well change as additional data is collected and studied;

WHEREAS, it is on-going City Council policy to avoid duplicating the text of other agencies' regulations when adopting those regulations in an effort to save the citizens of Pocatello the costs of revisions to the codified ordinance volumes when such changes are made by other agencies;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCA TELLO, AS FOLLOWS:

*Section 1:* That Section 8.20.050 of the Revised and Compiled Ordinances of the City of Pocatello, 1983, be hereby amended to read as follows:

**8.20.050 Adoption of Air Quality Designations and Alert Criteria,**

**Notification:**

A. The City hereby adopts the Idaho Division Department of Environmental Quality's health effect designations for varying levels of particular matter ~~as set forth below (PM-10 indicating particulate matter with an aerodynamic diameter less than or equal to 10 microns):~~

| Health Effect Designation | PM 10 Concentrations/Cub Meter |
|---------------------------|--------------------------------|
| Good                      | 0-50                           |
| Moderate                  | 51-150                         |
| Unhealthful               | 151-350                        |
| Very Unhealthful          | 351-420                        |
| Hazardous                 | > 420                          |

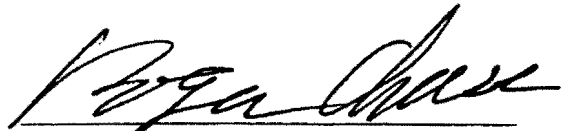
B. ~~The Idaho Division of Environmental Quality declares "air quality alerts" whenever it measures levels of PM-10 concentration exceeding one hundred twenty (120) micrograms and weather forecasts indicate air stagnation conditions will continue for at least twenty four (24) hours. When the Division Idaho Department of Environmental Quality, or its successor division or agency, informs the City that such conditions exist it is declaring an "air quality alert" and notifies local print, radio and television news media that an air pollution alert is being declared, the City shall also post notice of the air pollution alert in the same manner as City Council meeting- prohibitions set forth below shall apply.~~

*Section 2* That all other Sections of Chapter 8.20 not herein amended shall remain in full force and effect.

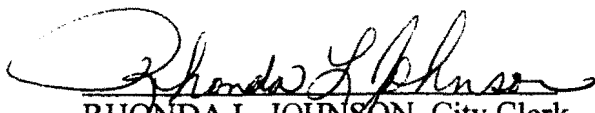
*Section 3:* That this ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, the rule requiring that an ordinance be read on three separate occasions having been dispensed with.

PASSED AND APPROVED this 18<sup>th</sup> day of September, 2003.

CITY OF POCA TELLO, a municipal corporation of Idaho

  
ROGER W. CHASE, Mayor

ATTEST:

  
RHONDA L. JOHNSON, City Clerk

Publish: 9-24-2003 (Summary)  
ORDINANCE 9-25-2003 -2-

CITY OF CHUBBUCK, IDAHO

ORDINANCE NO. 403

AN ORDINANCE OF THE CITY OF CHUBBUCK, IDAHO, ENACTING CHAPTER 8.36 CLEAN AIR STANDARDS TO PROVIDE FOR REGULATION OF EMISSION FROM SOLID FUEL AND REFUSE BURNING REPEALING PRIOR CONFLICTING ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE: AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHUBBUCK, IDAHO:

Section 1. Intent.

The purpose of this Chapter is to protect air quality resources vital to the public health, safety, and welfare of Bannock County by controlling emissions from solid fuel and refuse burning. This Chapter is promulgated under the authority of the Idaho Constitution, Article 12, Section 2, and Idaho Code §§ 31-714 and 31-801.

Section 2. Chapter 8.36. The following Chapter 8.36 shall be added to the Chubbuck Municipal Code:

Chapter 8.36 Clean Air Standards

8.36.010 Applicability. This Chapter shall apply to all areas lying within the city limits of Chubbuck, as in effect or as changed from time to time.

8.36.020 Definitions. For the purpose of this Chapter, the following terms, phrases, words and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directory.

A. Air pollution. The presence in the outdoor atmosphere of an contaminate of combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, or to interfere unreasonable with the enjoyment of life or property.

B. Building. Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the

Uniform Building Code as adopted by Chapter 15.04 of the Chubbuck Municipal Code.

C. **Burn Down.** That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any outdoor fires or burning or incineration included within this ordinance.

D. **Clean Burning Appliance.** A solid fuel heating appliance that has been certified as a Phase II clean burning appliance by either the Oregon Department of Environment Quality or the United States Environmental Protection Agency and has been placed on the list of approved clean burning appliances by the United States Environmental Protection Agency.

E. **Economic Hardship.** Means fifty percent (50%) or less of Bannock County's median income as established by the U.S. Department of Housing and Urban Development.

F. **Fireplace.** Means a residential solid fuel burning device with an air-to-fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace."

G. **Heat Output.** The British Thermal Unit (BTU)/hour output of a solid fuel heating appliance measured under the testing criteria as adopted by the Bannock County Development Services Department.

H. **Opacity.** The ability to obstruct the transmission of light and is expressed as a percent.

I. **Open Burning.** Means the combustion of any material not contained in a heating appliance or incinerator.

J. **Particulate matter.** Any gas-borne particles resulting from incomplete combustion consisting predominately, but not exclusively, of carbon and other combustible matter.

K. **Person.** Any individual, firm, partnership, association, corporation, company, organization or governmental entity.

L. **Phase II stove.** A solid fuel heating appliance designated by the United States Environmental Protection Agency as a Phase II certified clean air

stove or any stove which is manufactured by a reputable manufacturer and certified by the manufacturer to meet such standards.

M. Refuse. All solid waste, garbage, and rubbish including but not limited to cardboard, plastic, rubber, styrofoam, petroleum products, food stuff, Christmas trees, yard debris, or chemically treated wood.

N. Refuse Incinerator. Any device designed or operated to reduce the volume of refuse. Natural gas-fired pathological incinerators are excluded.

O. Sole Source. Means one or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane. No permanently installed furnace or heating system shall be removed or disconnected after the effective date of this ordinance unless replaced with a comparable system. In no event shall a permanently installed furnace or heating system be removed or disconnected if only a solid fuel heating device remains as the sole source of space heating for the building.

P. Solid Fuel Heating Appliance. An enclosed device designed for solid fuel combustion that meets all of the following criteria:

- 1) an air-to-fuel ratio averaging less than thirty-five to one (35 to 1);
- 2) firebox volume less than twenty (20) cubic feet;
- 3) minimum burn rate less than five (5) kilograms per hour; and
- 4) maximum weight of less than eight hundred (800) kilograms.

Q. Weighted Average. The weighted average of the test results of the distribution of the heating needs in the City of Chubbuck as calculated by the Building Department of the City of Chubbuck.

O. Air Quality Designations and Alert Criteria:

- 1) The quality of Chubbuck's air shall be determined by the monitoring of pollutant levels with equipment and methods approved by the Idaho State Department of Environmental Quality.

- 2) The quality of Chubbuck's air shall be designated according to the following table where "PM-10" indicates particulate matter with an aerodynamic diameter less than or equal to ten (10) microns:

| Health Effect Designation | PM-10 Concentrations 24-hour ( $\mu\text{g}/\text{m}^3$ ) |
|---------------------------|---|
| -----                     | -----   |
| Good                      | 0-50  |
| Moderate                  | 51-150  |
| Unhealthful               | 151-350   |
| Very unhealthful          | 351-420   |
| Hazardous                 | > 420   |

- 3) In order to prevent the existence of air quality that is unhealthful or the deterioration of moderate air to an unhealthful level, an air pollution "alert" will be declared whenever the Idaho Department of Environmental Quality measures levels of PM-10 concentration exceeding 120 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) and forecasts air stagnation conditions continuing for at least 24 hours.

8.36.030 Public Notification. Whenever air pollution alert conditions are met, local print, radio, and television news media will be notified. Announcements of the existence of an air pollution "alert" will be made by the news media during regularly scheduled broadcasts and in the official newspaper of Bannock County. Notice of air pollution "alert" conditions shall be posted by the City Clerk or the Clerk's designee in the same manner as notice of city council meetings.

8.36.040 Burning Solid Fuel or Refuse.

A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel.

B. No person shall cause or allow a refuse incinerator to be operated contrary to the design specifications and manufacturer's instructions.

C. Visible emissions from residential solid fuel burning devices and fireplaces shall be limited to a shade or density no darker than 20% opacity as measured by EPA method 9, except for the following.

- 1) An initial fifteen minute start up period.
- 2) A period of fifteen minutes in any three hour period in which emissions may exceed the 20% opacity limitation for refueling.

D. No person shall cause or allow railroad ties, treated wood or other carcinogens, or material treated with carcinogens to be burned.

8.36.050. Air Quality Alert/Additional Restrictions. At the onset and during the pendency of a declared air quality "alert", the following additional restrictions apply.

A. No person shall cause or allow, after a three (3) hour "burn down", the operation of a solid fuel heating appliance or open fireplace, except those which are the sole source of heat for the entire residence and registered with the City Building Office or those having no visible emissions and an exemption has been granted by the City Building Department and an exemption decal is displayed and visible from a place of public access.

B. No person shall cause or allow the operation of a solid waste incinerator.

C. No person shall cause or allow open burning of refuse or solid fuel.

8.36.060 Air Quality Alert Exemptions.

A. By December 1, 1994, all sole source residential solid fuel burning devices must be registered with the Chubbuck Building Department in order to be exempt during mandatory no-burn periods.

B. The City Building Officer, or the Building Officer's designee shall grant exemptions from this Chapter if it is determined that:

- 1) a solid fuel heating appliance is the sole source of heat for the structure in which it is situated; or
- 2) using alternative heating would cause an unreasonable economic hardship; or
- 3) the solid fuel heating appliance is listed by Department of Environmental Quality/Environmental Protection Agency as a clean burning appliance.

C. Any person denied an exemption under this Chapter shall be provided, at the option of the applicant for the exemption, a hearing before the Chubbuck City Council.

D. Any building constructed after the effective date of this Chapter shall not be eligible for an exemption under subsections 1 and 2 above.

E. It shall be a violation of these rules for any person to operate a residential solid fuel burning device or fireplace during the mandatory no-burn periods except as stated in this Section.

#### 8.36.070 Solid Fuel Heating Appliance Permits.

A. It shall be unlawful for any person to install a solid fuel heating appliance in any new or existing building without first obtaining a solid fuel heating appliance permit from the City Building Department.

B. It shall be unlawful on or after December 1, 1993 to sell or install any non-Phase II stove to or for any resident or entity within the City of Chubbuck.

8.36.080 Appeal of Decision of Board. A decision of the Chubbuck City Council on a denial shall be final and conclusive. Appeal from a decision of the City Council must be made to the Bannock County District Court.

#### 8.30.090 Minimum Standards for Clean Burning Appliances.

A. In no event shall a solid fuel heating appliance permit be issued for any solid fuel heating appliance which has a weighted average particulate emission greater than:

1. For a new clean burning solid fuel heating appliance with a minimum heat output of less than 40,000 BTU per hour and tested pursuant to procedures approved by the Building Department.
  - a. 7.5 grams per hour for a non-catalytic solid fuel heating appliance.
  - b. 4.1 grams per hour for a catalytic solid fuel heating appliance.
2. Clean burning solid fuel heating appliances with a minimum heat output of greater than 40,000 BTU per hour shall not exceed an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each 1,000 BTU per hour heat output.



3. Permits will be issued for any other solid fuel heating appliance officially exempted by the Environmental Protection Agency from the above requirements.

8.36.100 Coordination with Chapter 8.34. Chapter 8.34, Burning of Materials, and this chapter shall be interpreted consistently with each other. No permit or situation shall be allowed under one chapter if banned by the other.

8.36.110 Penalty. A violation of any of the provisions of this Chapter or the failure or omission to perform any duty imposed by the provision of this Chapter is hereby declared unlawful and punishable as a misdemeanor.


## ADMINISTRATIVE PROVISIONS

Section 1. Repeal of Conflicting Ordinances. The provisions of any Ordinance of the City of Chubbuck, Idaho, and any provision of the Chubbuck Municipal Code which are in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 2. Severability. If any provision of this ordinance is held invalid, for any reason, by any court of competent jurisdiction, such holding shall not affect the validity or enforceability of any of the remaining provisions.

Section 3. Effective Date. The rule requiring an ordinance to be read on three separate days, one of which shall be a reading in full, is hereby dispensed with, and this Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE  
CITY OF CHUBBUCK, IDAHO, this 23rd day of NOVEMBER, 1993.

  
MAYOR

ATTEST:

  
CITY CLERK

RECEIVED

DEC 1 8 2003

CITY OF CHUBBUCK, IDAHO

ORDINANCE NO. 582

IDAHO DEPARTMENT OF  
ENVIRONMENTAL QUALITY

AN ORDINANCE OF THE CITY OF CHUBBUCK, IDAHO, REPEALING SECTION 8.36.020.( R ) AND ENACTING A NEW SECTION 8.36.020 ( R ) TO ADOPT BY REFERENCE THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY'S DESIGNATIONS FOR VARYING LEVELS OF PARTICULATE MATTER; REPEALING SECTIONS 13.18.110 "DISCHARGE LIMITATIONS: AND 13.20.040 (D) "CONCENTRATION LIMITATIONS" RELATING TO WASTE WATER DISCHARGE LIMITATIONS; ADDING NEW SECTIONS 13.18.110 AND 13.20.040 (D) ADOPTING BY REFERENCE THE LIMITATIONS SET FORTH IN THE CITY OF POCA TELLO'S REVISED AND COMPILED ORDINANCES; REPEALING PRIOR CONFLICTING ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING THAT ALL OTHER SECTIONS AND PROVISIONS OF CHAPTERS 8.36, 13.18 AND 13.20 NOT HEREIN AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHUBBUCK, IDAHO:

Section 1. Intent. The City adopted by reference certain air pollution concentration levels as promulgated by the Department of Environmental Quality and certain waste water discharge concentrations as adopted by the City of Pocatello. Those standards change from time to time and to avoid any lapse in getting the standards changed in the Chubbuck Municipal Code, the Council deems it appropriate to adopt those designated levels by reference.

Section 2. 8.36.020 ( R ) Repeal. Section 8.36.020 ( R ) is repealed and the following new section 8.36.020 ( R ) is adopted:

8.36.020 ( R )"Air Quality Designations and Alert Criteria" : The quality of Chubbuck's air shall be designated according to the health effect designations for varying levels of particulate matter as adopted from time to time by the Idaho Department of Environmental Quality ("DEQ"), or its successor agency, which designations are adopted herein by reference. When DEQ informs the City that it is declaring an "air quality alert" and notifies the media that an air pollution alert is being declared, the prohibitions set forth in this Chapter 8.36 shall apply.

Section 3. 13.18.110 and 13.20.040 (D) Repeal. Sections 13.18.110 "Discharge limitations" and 13.20.040 (D) "Concentration Limitations" are repealed and the following new sections are adopted:

13.18.110 Discharge Limitations. The Discharge Limitations set forth in section 13.18.110 of the Revised and Compiled Ordinances of the City of Pocatello, 1983, and as adopted in any subsequent ordinance or code of the City of Pocatello are hereby adopted as the Discharge Limitations for the City of Chubbuck. Waste haulers are prohibited from discharging wastes into the POTW which exceed those limitations.

13.20.040 (D) Concentration Limitations. The Concentration Limitations set forth in section 13.18.110 of the Revised and Compiled Ordinances of the City of Pocatello, 1983, and in any subsequent ordinance or code of the City of Pocatello are hereby adopted as the Concentration Limitations for the City of Chubbuck. No user shall discharge any waters or wastes containing heavy metals and similar objectionable or toxic substances to such a degree that any such material received in the composite sewage at the point of discharge exceeds the limits set forth therein.

### ADMINISTRATIVE PROVISIONS

Section 1. Repeal of Conflicting Ordinances. The provisions of any Ordinance of the City of Chubbuck, Idaho, and any provision of the Chubbuck Municipal Code which are in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict. All other sections and provisions of Chapters 8.36, 13.18 and 13.20 not herein amended shall remain in full force and effect.

Section 2. Severability. If any provision of this ordinance is held invalid, for any reason, by any court of competent jurisdiction, such holding shall not affect the validity or enforceability of any of the remaining provisions.

Section 3. Effective Date. The rule requiring an ordinance to be read on three separate days, one of which shall be a reading in full, is hereby dispensed with, and this Ordinance shall become effective upon its passage, approval and publication as provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF CHUBBUCK, IDAHO, this 9TH day of DECEMBER, 2003.

  
John O. Cotant, MAYOR

ATTEST:

  
Ron Conlin, CITY CLERK

## ORDINANCE NO. 120

AN ORDINANCE OF THE CITY OF CLIFTON, IDAHO, SETTING FORTH THE AUTHORITY AND PURPOSE OF SAID ORDINANCE; DEFINITIONS OF TERMS CONTAINED THEREIN; ESTABLISHING AIR QUALITY DESIGNATIONS AND ALERT CRITERIA; PROHIBITING THE BURNING OF CERTAIN FUELS OR REFUSE WITHIN A SOLID FUEL HEATING APPLIANCE OR THE BURNING OF MATERIALS WHEN AIR POLLUTANTS REACH A CERTAIN LEVEL; ESTABLISHING SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS THEREFOR AND EXEMPTIONS FROM RESTRICTIONS; SETTING FORTH MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES, AND PRESCRIBING A PENALTY FOR VIOLATION OF THIS ORDINANCE; REPEALING OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; WAIVING THE RULE REQUIRING READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CLIFTON, IDAHO, AS FOLLOWS:**

**Section 1: Authority and Purpose.** The purpose of this ordinance is protect air quality resources vital to the public health, safety, and welfare of the City of Clifton by controlling emissions from solid fuel and refuse burning. This ordinance is promulgated under the authority of Idaho Code Section 50-302.

**Section 2: Definitions:** For the purpose of this ordinance, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directive.

**AIR POLLUTION:** The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, to interfere unreasonably with the enjoyment of life or property.

**BUILDING:** Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the international building code.

**BURN DOWN:** That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any other door fires or burning or incineration included within this ordinance.

**CLEAN BURNING APPLIANCE:** A solid fuel heating appliance that has been certified as clean burning by the United States Environmental Protection Agency (EPA).

**FIREPLACE:** A residential solid fuel burning device with an air to fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in a decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

**HEAT OUTPUT:** The British thermal unit (BTU)/hour output of a solid fuel heating appliance.

**OPEN BURNING:** For the purposes of this ordinance, the combustion of any material not contained in a heating appliance. Also for the purposes of this ordinance, the use of a fireplace is considered open burning.

**PARTICULATE MATTER (PM<sub>10</sub>/PM<sub>2.5</sub>):** Any gas borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.

**PERSON:** Any individual, firm, partnership, association, corporation, company, organization or governmental entity.

**REFUSE:** All solid waste, garbage, and rubbish, including, but not limited to, cardboard, plastic, rubber, Styrofoam, petroleum products, foodstuff, Christmas trees, yard debris or chemically treated wood.

**SOLE SOURCE:** One or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat in the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.

**SOLID FUEL:** Any form of untreated wood, coal, pressed logs, and pellet fuel.

**SOLID FUEL HEATING APPLIANCE:** An enclosed device designed for solid fuel combustion that meets all of the following criteria:

- A. An air to fuel ratio averaging less than thirty five to one (35 to 1);
- B. Firebox volume less than twenty (20) cubic feet;
- C. Minimum burn rate less than five kilograms (5kg) per hour; and
- D. Maximum weight of less than eight hundred kilograms (800 kg).

**Section 3:** *Air Quality Designations and Alert Criteria:*

- A. The quality of the city's air shall be determined by monitoring pollutant levels in and/or around the city with equipment and methods approved and provided by DEQ at its expense.

- B. The quality of the city's air shall be designated by DEQ according to the following table (as may be amended from time to time by the EPA):

**Air Quality Index (AQI)**

| <u>DESIGNATIONS</u>            | <u>AQI</u> |
|--------------------------------|------------|
| GOOD                           | 0-50       |
| MODERATE                       | 51-100     |
| UNHEALTHY FOR SENSITIVE GROUPS | 101-150    |
| UNHEALTHY                      | 151-200    |
| VERY UNHEALTHY                 | 201-300    |
| HAZARDOUS                      | 301-500    |

- C. All wood burning, including, but not limited to, within a solid fuel heating appliance designed for wood fuel (commonly known as a "wood stove") or open fireplace, is prohibited whenever the DEQ forecasts an AQI of seventy five (75) or greater or forecasts air stagnation conditions will continue for at least twenty four (24) hours.
- D. No person shall allow, suffer, cause or permit any open burning of any kind (see IDAPA 58.01.01.600 – 623) whenever DEQ forecasts an AQI of 75 or greater or forecasts air stagnation conditions will continue for at least 24 hours.

**Section 4: Public Notification:**

Whenever air pollution alert conditions are met, local print and news media, local officials, the police and fire departments, and city officials will be notified. In addition DEQ will post information on the DEQ website and the air quality hotline.

**Section 5: Burning Solid Fuel or Refuse:**

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel commonly known as a "woodstove".
- B. No person shall cause or allow a wood stove to be operated contrary to the design, specifications and manufacturer's instructions.
- C. Notwithstanding the provisions of any section of the this ordinance, no person shall allow, suffer, cause, or permit the burning of materials which emit toxic contaminants or large volumes of smoke, particulate or odors deemed a public nuisance; such prohibited materials consist of , but are not limited to, the following: garbage, tires or



any other rubber materials, plastics, heavy petroleum products, dead animals or parts thereof, treated lumber, tree stumps, trash, wet or green vegetation, trade waste, commercial waste, roofing materials or any other asphaltic materials, drywall, sheetrock, tarpaper, floor underlayment, insulation, chemicals, household garbage, motor vehicles or parts thereof whether junked or not, insulated wire, pathogenic wastes, hazardous wastes, etc.

- D. No person shall operate a residential solid fuel burning device or fireplace if the visible emissions exceed 20% opacity as measured by EPA method 9, except as follows:
  - 1. During an initial fifteen minute start-up period, or
  - 2. During refueling operations which may not exceed a fifteen minute period in any three hour period.
- E. Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause or permit the burning of any materials when the AQI as forecasted by the DEQ reaches (75) or higher for any air pollutant within the Cache Valley Airshed.

**Section 6:** *Solid Fuel Heating Appliance Restrictions and Permits:*

- A. From the date that this ordinance is effective, no person may sell or offer for sale within the city limits of Preston any solid fuel heating appliance which is not listed and certified by the EPA as a clean burning appliance.
- B. No person shall install any solid fuel heating appliance in any new or existing building without first having obtained a permit to do so from the City. In order for such a permit to be granted, all such appliances shall be listed and certified by the EPA as clean burning appliances. Installations shall be in accordance with the Uniform Fire Code and manufacturer's instructions.
- C. From the date the ordinance is effective; no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat.

**Section 7:** *Exemptions from Restrictions:*

- A. All solid fuel burning appliances classified by the EPA as a clean burning appliance may be operated during an air quality alert.
- B. A three hour burn down period shall be allowed for solid fuel heating appliances or fireplaces whose operation was commenced prior to the air quality alert.
- C. The City may grant exemptions from this ordinance if it is determined that:

1. A solid fuel heating appliance is the sole source of heat for ~~the~~ structure in which is situated or
  2. Using alternative heating would cause an unreasonable economic hardship.
- D. Any building constructed after the effective date of this ordinance shall not be eligible for an exemption under subsections C1 and C2 of this section.

**Section 8:** *Minimum Standards For Clean Burning Appliances:*

- A. Appliances shall meet the requirements of the code of federal regulations title 40, part 60, subpart AAA, "standards of performance for new residential wood heaters".

**Section 9:** *Penalty:*

~~A violation of any of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine up to \$1,000.00 and by confinement in the county jail for a period not to exceed six (6) months or by both such fine and imprisonment.~~

**Section 10:** The rule requiring that this ordinance be read on three separate occasions is hereby waived.

**Section 11:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 12:** This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED by the Mayor and City Council of the City of Clifton, Idaho, this 11<sup>th</sup> day of August 2012.

CITY OF CLIFTON, IDAHO

By: John Gailey  
John Gailey, Mayor

ATTEST:

Eve Waite  
Eve Waite, Clerk



## ORDINANCE #287

AN ORDINANCE OF THE CITY OF DAYTON, IDAHO, SETTING FORTH THE AUTHORITY AND PURPOSE OF SAID ORDINANCE; DEFINITIONS OF TERMS CONTAINED THEREIN; ESTABLISHING AIR QUALITY DESIGNATIONS AND ALERT CRITERIA; PROHIBITING THE BURNING OF CERTAIN FUELS OR REFUSE WITHIN A SOLID FUEL HEATING APPLIANCE OR THE BURNING OF MATERIALS WHEN AIR POLLUTANTS REACH A CERTAIN LEVEL; ESTABLISHING SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS THEREFOR AND EXEMPTIONS FROM RESTRICTIONS; SETTING FORTH MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES, AND PRESCRIBING A PENALTY FOR VIOLATION OF THIS ORDINANCE; REPEALING OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; WAIVING THE RULE REQUIRING READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAYTON, IDAHO, AS FOLLOWS:

**Section 1: Authority and Purpose.** The purpose of this ordinance is to protect air quality resources vital to the public health, safety, and welfare of the City of Dayton by controlling emissions from solid fuel and refuse burning. This ordinance is promulgated under the authority of Idaho Code Section 50-302.

**Section 2: Definitions:** For the purpose of this ordinance, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directive.

**AIR POLLUTION:** The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, to interfere unreasonably with the enjoyment of life or property.

**BUILDING:** Any structure, dwelling, office, industrial plant, garage, or barn, whether publicly or privately owned or any other structure as defined by the International Building Code.

**BURN DOWN:** That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any other door fires or burning or incineration included within this ordinance.

**CLEAN BURNING APPLIANCE:** A solid fuel heating appliance that has been certified as clean burning by the United States Environmental Protection Agency (EPA).

**FIREPLACE:** A residential solid fuel burning device with an air to fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in a decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace."

**HEAT OUTPUT:** The British thermal unit (BTU)/hour output of a solid fuel heating appliance.

**OPEN BURNING:** For the purposes of this ordinance, the combustion of any material not contained in a heating appliance. Also for the purposes of this ordinance, the use of a fireplace is considered open burning.

**PARTICULATE MATTER (PM<sub>10</sub>/PM<sub>2.5</sub>):** Any gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.

**PERSON:** Any individual, firm, partnership, association, corporation, company, organization, or governmental entity.

**REFUSE:** All solid waste, garbage, and rubbish, including, but not limited to, plastic, rubber, Styrofoam, petroleum products, foodstuff, Christmas trees, yard debris, or chemically treated wood.

**SOLE SOURCE:** One or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat if the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity, or propane.

**SOLID FUEL:** Any form of untreated wood, coal, pressed logs, and pellet fuel.

**SOLID FUEL HEATING APPLIANCE:** An enclosed device designed for solid fuel combustion that meets all of the following criteria:

- A. An air to fuel ratio averaging less than thirty-five to one (35 to 1);
- B. Firebox volume less than twenty (20) cubic feet;
- C. Minimum burn rate less than five kilograms (5kg) per hour; and
- D. Maximum weight of less than eight hundred kilograms (800 kg).

**Section 3:** *Air Quality Designations and Alert Criteria:*

- A. The quality of the city's air shall be determined by monitoring pollutant levels in and/or around the city with equipment and methods approved and provided by DEQ at its expense.



- B. The quality of the city's air shall be designated by DEQ according to the following table (as may be amended from time to time by the EPA):

Air Quality Index (AQI)

| DESIGNATIONS                   | AQI     |
|--------------------------------|---------|
| GOOD                           | 0-50    |
| MODERATE                       | 51-100  |
| UNHEALTHY FOR SENSITIVE GROUPS | 101-150 |
| UNHEALTHY                      | 151-200 |
| VERY UNHEALTHY                 | 201-300 |
| HAZARDOUS                      | 301-500 |

- C. All wood burning, including, but not limited to, within a solid fuel heating appliance designed for wood fuel (commonly known as a "wood stove") or open fireplace, is prohibited whenever the DEQ forecasts an AQI of seventy-five (75) or greater or forecasts air stagnation conditions will continue for at least twenty-four (24) hours.
- D. No person shall allow, suffer, cause, or permit any open burning of any kind (see IDAPA 58.01.01.600 – 623) whenever DEQ forecasts an AQI of 75 or greater or forecasts air stagnation conditions will continue for at least 24 hours.

**Section 4:** *Public Notification by DEQ:*

Whenever air pollution alert conditions are met, local print and news media, local officials, the police and fire departments, and city officials will be notified by DEQ. In addition, DEQ will post information on the DEQ website and the air quality hotline.

**Section 5:** *Burning Solid Fuel or Refuse:*

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel commonly known as a "woodstove."
- B. No person shall cause or allow a wood stove to be operated contrary to the design, specifications, and manufacturer's instructions.
- C. Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause, or permit the burning of materials which emit toxic contaminants or large volumes of smoke, particulate, or odors deemed a public nuisance; such prohibited materials consist of, but are not limited to, the following: garbage, tires or

any other rubber materials, plastics, heavy petroleum products, dead animals or parts thereof, treated lumber, trash, wet or green vegetation, trade waste, commercial waste, roofing materials or any other asphaltic materials, drywall, sheetrock, tarpaper, floor underlayment, insulation, chemicals, household garbage, motor vehicles or parts thereof whether junked or not, insulated wire, pathogenic wastes, hazardous wastes, etc.

- D. No person shall operate a residential solid fuel burning device or fireplace if the visible emissions exceed 20% opacity as measured by EPA method 9, except as follows:
1. During an initial fifteen minute start-up period, or
  2. During refueling operations which may not exceed a fifteen minute period in any three hour period.
- E. Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause, or permit the burning of any materials when the AQI as forecasted by the DEQ reaches (75) or higher for any air pollutant within the Cache Valley Airshed.

**Section 6:** *Solid Fuel Heating Appliance Restrictions:*

- A. From the date that this ordinance is effective, no person may sell or offer for sale except for scrap metal within the city limits of Dayton any solid fuel heating appliance which is not listed and certified by the EPA as a clean burning appliance.
- B. No person shall install any solid fuel heating appliance in any new or existing building without first having obtained a permit to do so from the City. In order for such a permit to be granted, all such appliances shall be listed and certified by the EPA as clean burning appliances.
- C. From the date the ordinance is effective; no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat.

**Section 7:** *Exemptions from Restrictions:*

- A. All solid fuel burning appliances classified by the EPA as a clean burning appliance may be operated during an air quality alert.
- B. A three hour burn down period shall be allowed for solid fuel heating appliances or fireplaces whose operation was commenced prior to the air quality alert.

C. The City of Dayton may grant exemptions from this ordinance if it is determined that on existing buildings:

1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated, or
2. Using alternative heating would cause an unreasonable economic hardship.

D. Any building constructed after the effective date of this ordinance shall not be eligible for an exemption under subsections C1 and C2 of this section.

**Section 8:** *Minimum Standards for Clean Burning Appliances:*

A. Appliances shall meet the requirements of the Code of Federal Regulations, Title 40, Part 60, Subpart AAA. "Standards of Performance for New Residential Wood Heaters."

**Section 9:** *Penalty:*

~~A violation of any of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine up to \$1,000 and by confinement in the county jail for a period not to exceed six (6) months or by both such fine and imprisonment.~~

**Section 10:** The rule requiring that this ordinance be read on three separate occasions is hereby waived.

**Section 11:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 12:** This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED by the Mayor and City Council of the City of Dayton, Idaho, this 8<sup>th</sup> day of August, 2012.

CITY OF DAYTON, IDAHO

By: 

Dee Virile Christensen, Mayor

ATTEST:



Elva K. Atkinson, Clerk

**FRANKLIN CITY ORDINANCE**  
**SOLID FUEL HEATING APPLIANCES**

**NO. 2012-9-12**

AN ORDINANCE OF THE CITY OF FRANKLIN, IDAHO, SETTING FORTH THE AUTHORITY AND PURPOSE OF SAID ORDINANCE; DEFINITIONS OF TERMS CONTAINED THEREIN; ESTABLISHING AIR QUALITY DESIGNATIONS AND ALERT CRITERIA; PROHIBITING THE BURNING OF CERTAIN FUELS OR REFUSE WITHIN A SOLID FUEL HEATING APPLIANCE OR THE BURNING OF MATERIALS WHEN AIR POLLUTANTS REACH A CERTAIN LEVEL; ESTABLISHING SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS THEREFOR AND EXEMPTIONS FROM RESTRICTIONS; SETTING FORTH MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES, AND PRESCRIBING A PENALTY FOR VIOLATION OF THIS ORDINANCE.

**SECTION 1: AUTHORITY AND PURPOSE:**

The purpose of this ordinance is protect air quality resources vital to the public health, safety, and welfare of the City of Franklin by controlling emissions from solid fuel and refuse burning.

**SECTION 2: DEFINITIONS:**

For the purpose of this ordinance, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directive.

**"AIR POLLUTION"** The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, to interfere unreasonably with the enjoyment of life or property.

**"BUILDING"** Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the international building code.

**"BURN DOWN"** That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any other door



fires or burning or incineration included within this ordinance.

**"CLEAN BURNING APPLIANCE"** A solid fuel heating appliance that has been certified as clean burning by the United States Environmental Protection Agency (EPA).

**"FIREPLACE"** A residential solid fuel burning device with an air to fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in a decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

**"HEAT OUTPUT"** The British thermal unit (BTU)/hour output of a solid fuel heating appliance.

**"OPEN BURNING"** For the purposes of this ordinance, the combustion of any material not contained in a heating appliance. Also for the purposes of this ordinance, the use of a fireplace is considered open burning.

**"PARTICULATE MATTER (PM<sub>10</sub>/PM<sub>2.5</sub>)"** Any gas borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.

**"PERSON"** Any individual, firm, partnership, association, corporation, company, organization or governmental entity.

**"REFUSE"** All solid waste, garbage, and rubbish, including, but not limited to, cardboard, plastic, rubber, Styrofoam, petroleum products, foodstuff, Christmas trees, yard debris or chemically treated wood.

**"SOLE SOURCE"** One or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat in the building is equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.

**"SOLID FUEL"** Any form of untreated wood, coal, pressed logs, and pellet fuel.

**"SOLID FUEL HEATING APPLIANCE"** An enclosed device designed for solid fuel combustion that meets all of the following criteria:

- A. An air to fuel ratio averaging less than thirty five to one (35 to 1);

- B. Firebox volume less than twenty (20) cubic feet;
- C. Minimum burn rate less than five kilograms (5kg) per hour; and
- D. Maximum weight of less than eight hundred kilograms (800 kg).

### **SECTION 3: AIR QUALITY DESIGNATIONS AND ALERT CRITERIA**

- A. The quality of the City's air shall be determined by monitoring pollutant levels in and/or around the City with equipment and methods approved and provided by DEQ at its expense.
- B. The quality of the City's air shall be designated by DEQ according to the following table (as may be amended from time to time by the EPA):

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| UNHEALTHY                      | 151-200    |
| VERY UNHEALTHY                 | 201-300    |
| HAZARDOUS                      | 301-500    |

- C. All wood burning, including, but not limited to, within a solid fuel heating appliance designed for wood fuel (commonly known as a "wood stove") or open fireplace, is prohibited whenever the DEQ forecasts an AQI of seventy five (75) or greater or forecasts air stagnation conditions will continue for at least twenty four (24) hours.
- D. No person shall allow, suffer, cause or permit any open burning of any kind (see IDAPA 58.01.01.600 – 623) whenever DEQ forecasts an AQI of 75 or greater or forecasts air stagnation conditions will continue for at least 24 hours.

#### **SECTION 4: PUBLIC NOTIFICATION**

Whenever air pollution alert conditions are met, local print and news media, local officials, the police and fire departments, and city officials will be notified. In addition DEQ will post information on the DEQ website and the air quality hotline.

#### **SECTION 5: BURNING SOLID FUEL OR REFUSE**

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel commonly known as a "woodstove".
- B. No person shall cause or allow a wood stove to be operated contrary to the design, specifications and manufacturer's instructions.
- C. Notwithstanding the provisions of any section of the this ordinance, no person shall allow, suffer, cause, or permit the burning of materials which emit toxic contaminants or large volumes of smoke, particulate or odors deemed a public nuisance; such prohibited materials consist of , but are not limited to, the following: garbage, tires or any other rubber materials, plastics, heavy petroleum products, dead animals or parts thereof, treated lumber, tree stumps, trash, wet or green vegetation, trade waste, commercial waste, roofing materials or any other asphaltic materials, drywall, sheetrock, tarpaper, floor underlayment, insulation, chemicals, household garbage, motor vehicles or parts thereof whether junked or not, insulated wire, pathogenic wastes, hazardous wastes, etc.
- D. No person shall operate a residential solid fuel burning device or fireplace if the visible emissions exceed 20% opacity as measured by EPA method 9, except as follows:
  - 1. During an initial fifteen minute start-up period, or
  - 2. During refueling operations which may not exceed a fifteen minute period in any three hour period.
- E. Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause or permit the burning of any materials when the AQI as forecasted by the DEQ reaches (75) or higher for any air pollutant within the Cache Valley Airshed.

## **SECTION 6: SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS**

- A. From the date that this ordinance is effective, no person may sell or offer for sale within Franklin City any solid fuel heating appliance which is not listed and certified by the EPA as a clean burning appliance.
- B. No person shall install any solid fuel heating appliance in any new or existing building without first having obtained a permit to do so from the City. In order for such a permit to be granted, all such appliances shall be listed and certified by the EPA as clean burning appliances. Installations shall be in accordance with the Uniform Fire Code and manufacturer's instructions.
- C. From the date the ordinance is effective; no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat.

## **SECTION 7: EXEMPTIONS FROM RESTRICTIONS**

- A. All solid fuel burning appliances classified by the EPA as a clean burning appliance may be operated during an air quality alert.
- B. A three hour burn down period shall be allowed for solid fuel heating appliances or fireplaces whose operation was commenced prior to the air quality alert.
- C. The City may grant exemptions from this ordinance if it is determined that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which is situated or
  - 2. Using alternative heating would cause an unreasonable economic hardship.
- D. Any building constructed after the effective date of this ordinance shall not be eligible for an exemption under subsections C1 and C2 of this section.

## **SECTION 8: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES**

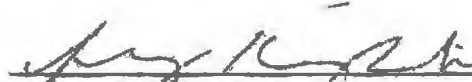
- A. Appliances shall meet the requirements of the code of federal regulations title 40, part 60, subpart AAA, "standards of performance for new residential wood heaters".

**~~SECTION 9: PENALTY~~**


~~A violation of any of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine up to \$1,000.00.~~

DATED THIS 12 day of September, 2012.

CITY OF FRANKLIN

  
\_\_\_\_\_  
JEREMY KIMPTON, Mayor

Attest:

  
\_\_\_\_\_  
LAEL PARKINSON, City Clerk

FRANKLIN COUNTY ORDINANCE  
SOLID FUEL HEATING APPLIANCES

NO. 2012-6-25

AN ORDINANCE OF THE COUNTY OF FRANKLIN, IDAHO, SETTING FORTH THE AUTHORITY AND PURPOSE OF SAID ORDINANCE; DEFINITIONS OF TERMS CONTAINED THEREIN; ESTABLISHING AIR QUALITY DESIGNATIONS AND ALERT CRITERIA; PROHIBITING THE BURNING OF CERTAIN FUELS OR REFUSE WITHIN A SOLID FUEL HEATING APPLIANCE OR THE BURNING OF MATERIALS WHEN AIR POLLUTANTS REACH A CERTAIN LEVEL; ESTABLISHING SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS THEREFOR AND EXEMPTIONS FROM RESTRICTIONS; SETTING FORTH MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES, AND PRESCRIBING A PENALTY FOR VIOLATION OF THIS ORDINANCE.

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**"BURN DOWN"** That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any other door



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- C. All wood burning, including, but not limited to, within a solid fuel heating appliance designed for wood fuel (commonly known as a "wood stove") or open fireplace, is prohibited whenever the DEQ forecasts an AQI of seventy five (75) or greater or forecasts air stagnation conditions will continue for at least twenty four (24) hours.
- D. No person shall allow, suffer, cause or permit any open burning of any kind (see IDAPA 58.01.01.600 – 623) whenever DEQ forecasts an AQI of 75 or greater or forecasts air stagnation conditions will continue for at least 24 hours.

### **SECTION 4: PUBLIC NOTIFICATION**



Whenever air pollution alert conditions are met, local print and news media, local officials, the police and fire departments, and city officials will be notified. In addition DEQ will post information on the DEQ website and the air quality hotline.

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- B. No person shall cause or allow a wood stove to be operated contrary to the design, specifications and manufacturer's instructions.
- C. Notwithstanding the provisions of any section of the this ordinance, no person shall allow, suffer, cause, or permit the burning of materials which emit toxic contaminants or large volumes of smoke, particulate or odors deemed a public nuisance; such prohibited materials consist of , but are not limited to, the following: garbage, tires or any other rubber materials, plastics, heavy petroleum products, dead animals or parts thereof, treated lumber, tree stumps, trash, wet or green vegetation, trade waste, commercial waste, roofing materials or any other asphaltic materials, drywall, sheetrock, tarpaper, floor underlayment, insulation, chemicals, household garbage, motor vehicles or parts thereof whether junked or not, insulated wire, pathogenic wastes, hazardous wastes, etc.
- D. No person shall operate a residential solid fuel burning device or fireplace if the visible emissions exceed 20% opacity as measured by EPA method 9, except as follows:
  - 1. During an initial fifteen minute start-up period, or
  - 2. During refueling operations which may not exceed a fifteen minute period in any three hour period.
- E. Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause or permit the burning of any materials when the AQI as forecasted by the DEQ reaches (75) or higher for any air pollutant within the Cache Valley Airshed.

## **SECTION 6: SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS**

- A. From the date that this ordinance is effective, no person may sell or offer for sale within Franklin County any solid fuel heating appliance which is not listed and certified by the EPA as a clean burning appliance.
- B. No person shall install any solid fuel heating appliance in any new or existing building without first having obtained a permit to do so from the County. In order for such a permit to be granted, all such appliances shall be listed and certified by the EPA as clean burning appliances. Installations shall be in accordance with the Uniform Fire Code and manufacturer's instructions.
- C. From the date the ordinance is effective; no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat.

#### **SECTION 7: EXEMPTIONS FROM RESTRICTIONS**

- A. All solid fuel burning appliances classified by the EPA as a clean burning appliance may be operated during an air quality alert.
- B. A three hour burn down period shall be allowed for solid fuel heating appliances or fireplaces whose operation was commenced prior to the air quality alert.
- C. The County may grant exemptions from this ordinance if it is determined that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which is situated or
  - 2. Using alternative heating would cause an unreasonable economic hardship.
- D. Any building constructed after the effective date of this ordinance shall not be eligible for an exemption under subsections C1 and C2 of this section.

#### **SECTION 8: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES**

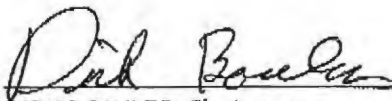
- A. Appliances shall meet the requirements of the code of federal regulations title 40, part 60, subpart AAA, "standards of performance for new residential wood heaters".

#### **~~SECTION 9: PENALTY~~**

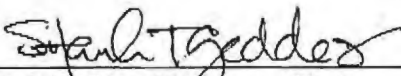
~~A violation of any of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine up to \$1,000.00.~~

DATED THIS 25 day of June, 2012.

Board of Franklin County Commissioners

  
DIRK BOWLES, Chairman

Attest:

  
SHAUNA GEDDES, County Clerk

## MEMORANDUM OF UNDERSTANDING

### SOLID FUEL HEATING APPLIANCES

WHEREAS, The City of Oxford ("Oxford"), Idaho is an incorporated city within Franklin, County ("County"), Idaho;

WHEREAS, Oxford is a small municipality with limited resources and without a fully functioning City Council to pass and provide enforcement of necessary ordinances;

WHEREAS, all municipalities within Franklin County have adopted an ordinance relating to regulation of solid fuel heating appliances to assist the Idaho Department of Environmental Quality in generating a State Implementation Plan ("SIP") to deal with the increasing problem of air pollution within the County;

WHEREAS, Oxford desires to be subject to the same requirements relating to solid fuel heating appliances as the other political subdivisions within the County but does not currently have the resources to pass or enforce such requirements;

WHEREAS, the County has adopted an ordinance relating to solid fuel heating appliances within the unincorporated limits of the County and is willing to apply and enforce the requirements of its ordinance in Oxford;

WHEREAS, Oxford desires the County to apply and enforce its ordinance within the Oxford City limits; and

WHEREAS, the parties desire to set forth the terms and conditions of their agreement relating to application and enforcement of the County's ordinance within the Oxford City limits.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto do stipulate, agree, covenant and promise as follows:

1. Franklin County Ordinance No. 2012-6-25, known as the SOLID FUEL HEATING APPLIANCE ORDINANCE and attached hereto as Exhibit "A", shall be applicable and enforceable within the incorporated limits of the City of Oxford.

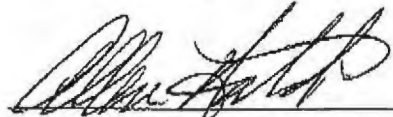
2. ~~The County shall provide enforcement of the attached Ordinance and shall notify the City of Oxford of any enforcement action taken.~~

3. The City of Oxford shall give its residents reasonable notice of this Agreement and the terms of the Ordinance attached hereto.

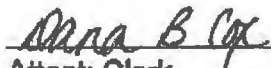
4. Either party may terminate this Agreement upon thirty (30) days written notice to the other party.

DATED October 22, 2012

OXFORD CITY

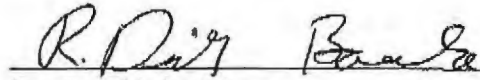


By: Allen Hatch,  
Mayor

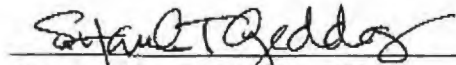
  
Attest: Clerk

DATED October 22, 2012

FRANKLIN COUNTY



By: R. Dirk Bowles,  
Chairman, Board of Commissioners

  
Attest: Shauna Geddes, Clerk

## Exhibit "A"

### FRANKLIN COUNTY ORDINANCE SOLID FUEL HEATING APPLIANCES

NO. 2012-6-25

AN ORDINANCE OF THE COUNTY OF FRANKLIN, IDAHO, SETTING FORTH THE AUTHORITY AND PURPOSE OF SAID ORDINANCE; DEFINITIONS OF TERMS CONTAINED THEREIN; ESTABLISHING AIR QUALITY DESIGNATIONS AND ALERT CRITERIA; PROHIBITING THE BURNING OF CERTAIN FUELS OR REFUSE WITHIN A SOLID FUEL HEATING APPLIANCE OR THE BURNING OF MATERIALS WHEN AIR POLLUTANTS REACH A CERTAIN LEVEL; ESTABLISHING SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS THEREFOR AND EXEMPTIONS FROM RESTRICTIONS; SETTING FORTH MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES, AND PRESCRIBING A PENALTY FOR VIOLATION OF THIS ORDINANCE.

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- B. No person shall cause or allow a wood stove to be operated contrary to the design, specifications and manufacturer's instructions.
- C. Notwithstanding the provisions of any section of the this ordinance, no person shall allow, suffer, cause, or permit the burning of materials which emit toxic contaminants or large volumes of smoke, particulate or odors deemed a public nuisance; such prohibited materials consist of , but are not limited to, the following: garbage, tires or any other rubber materials, plastics, heavy petroleum products, dead animals or parts thereof, treated lumber, tree stumps, trash, wet or green vegetation, trade waste, commercial waste, roofing materials or any other asphaltic materials, drywall, sheetrock, tarpaper, floor underlayment, insulation, chemicals, household garbage, motor vehicles or parts thereof whether junked or not, insulated wire, pathogenic wastes, hazardous wastes, etc.
- D. No person shall operate a residential solid fuel burning device or fireplace if the visible emissions exceed 20% opacity as measured by EPA method 9, except as follows:
  - 1. During an initial fifteen minute start-up period, or
  - 2. During refuelling operations which may not exceed a fifteen minute period in any three hour period.
- E. Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause or permit the burning of any materials when the AQI as forecasted by the DEQ reaches (75) or higher for any air pollutant within the Cache Valley Airshed.

## **SECTION 6: SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS**

- A. From the date that this ordinance is effective, no person may sell or offer for sale within Franklin County any solid fuel heating appliance which is not listed and certified by the EPA as a clean burning appliance.
- B. No person shall install any solid fuel heating appliance in any new or existing building without first having obtained a permit to do so from the County. In order for such a permit to be granted, all such appliances shall be listed and certified by the EPA as clean burning appliances. Installations shall be in accordance with the Uniform Fire Code and manufacturer's instructions.
- C. From the date the ordinance is effective; no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat.

#### **SECTION 7: EXEMPTIONS FROM RESTRICTIONS**

- A. All solid fuel burning appliances classified by the EPA as a clean burning appliance may be operated during an air quality alert.
- B. A three hour burn down period shall be allowed for solid fuel heating appliances or fireplaces whose operation was commenced prior to the air quality alert.
- C. The County may grant exemptions from this ordinance if it is determined that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which is situated or
  - 2. Using alternative heating would cause an unreasonable economic hardship.
- D. Any building constructed after the effective date of this ordinance shall not be eligible for an exemption under subsections C1 and C2 of this section.

#### **SECTION 8: MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES**

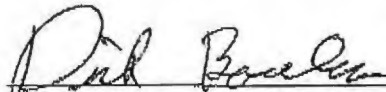
- A. Appliances shall meet the requirements of the code of federal regulations title 40, part 60, subpart AAA, "standards of performance for new residential wood heaters".

#### **~~SECTION 9: PENALTY~~**

~~A violation of any of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine up to \$1,000.00.~~

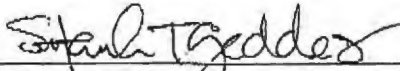
DATED THIS 25 day of June, 2012.

Board of Franklin County Commissioners



DIRK BOWLES, Chairman

Attest:



SHAUNA GEDDES, County Clerk

## **ORDINANCE NO. 2012-1**

AN ORDINANCE OF THE CITY OF PRESTON, IDAHO, SETTING FORTH THE AUTHORITY AND PURPOSE OF SAID ORDINANCE; DEFINITIONS OF TERMS CONTAINED THEREIN; ESTABLISHING AIR QUALITY DESIGNATIONS AND ALERT CRITERIA; PROHIBITING THE BURNING OF CERTAIN FUELS OR REFUSE WITHIN A SOLID FUEL HEATING APPLIANCE OR THE BURNING OF MATERIALS WHEN AIR POLLUTANTS REACH A CERTAIN LEVEL; ESTABLISHING SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS THEREFOR AND EXEMPTIONS FROM RESTRICTIONS; SETTING FORTH MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES, AND PRESCRIBING A PENALTY FOR VIOLATION OF THIS ORDINANCE; REPEALING OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; WAIVING THE RULE REQUIRING READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PRESTON, IDAHO, AS FOLLOWS:**

**Section 1:** *Authority and Purpose.* The purpose of this ordinance is to protect air quality resources vital to the public health, safety, and welfare of the City of Preston by controlling emissions from solid fuel and refuse burning. This ordinance is promulgated under the authority of Idaho Code Section 50-302.

**Section 2:** *Definitions:* For the purpose of this ordinance, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directive.

**AIR POLLUTION:** The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, to interfere unreasonably with the enjoyment of life or property.

**BUILDING:** Any structure, dwelling, office, industrial plant, garage or barn, whether publicly or privately owned or any other structure as defined by the international building code.

**BURN DOWN:** That period of time following an air pollution alert required for the cessation of combustion within solid fuel heating appliances or any other door fires or burning or incineration included within this ordinance.

**CLEAN BURNING APPLIANCE:** A solid fuel heating appliance that has been certified as clean burning by the United States Environmental Protection Agency (EPA).

**FIREPLACE:** A residential solid fuel burning device with an air to fuel ratio of greater than thirty (30) which is a permanent structural feature of a building. A fireplace is made up of a concealed masonry or metal flue and a masonry or metal firebox enclosed in a decorative masonry or other building materials. A residential solid fuel burning device which is freestanding or which is installed into an existing "fireplace" opening is not included in the definition of "fireplace".

**HEAT OUTPUT:** The British thermal unit (BTU)/hour output of a solid fuel heating appliance.

**OPEN BURNING:** For the purposes of this ordinance, the combustion of any material not contained in a heating appliance. Also for the purposes of this ordinance, the use of a fireplace is considered open burning.

**PARTICULATE MATTER (PM<sub>10</sub>/PM<sub>2.5</sub>):** Any gas borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible matter.

**PERSON:** Any individual, firm, partnership, association, corporation, company, organization or governmental entity.

**REFUSE:** All solid waste, garbage, and rubbish, including, but not limited to, cardboard, plastic, rubber, Styrofoam, petroleum products, foodstuff, Christmas trees, yard debris or chemically treated wood.

**SOLE SOURCE:** One or more solid fuel heating devices which constitute the only source of heat in a building for the purpose of space heating. No solid fuel heating device(s) shall be the sole source of heat in the building if equipped with a permanently installed furnace or heating system designed to heat the building that is connected or unconnected from its energy source, utilizing oil, natural gas, electricity or propane.

**SOLID FUEL:** Any form of untreated wood, coal, pressed logs, and pellet fuel.

**SOLID FUEL HEATING APPLIANCE:** An enclosed device designed for solid fuel combustion that meets all of the following criteria:

- A. An air to fuel ratio averaging less than thirty five to one (35 to 1);
- B. Firebox volume less than twenty (20) cubic feet;
- C. Minimum burn rate less than five kilograms (5kg) per hour; and

D. Maximum weight of less than eight hundred kilograms (800 kg).

**Section 3: Air Quality Designations and Alert Criteria:**

- A. The quality of the city's air shall be determined by monitoring pollutant levels in and/or around the city with equipment and methods approved and provided by DEQ at its expense.
- B. The quality of the city's air shall be designated by DEQ according to the following table (as may be amended from time to time by the EPA):

**Air Quality Index (AQI)**

| <b>DESIGNATIONS</b>            | <b>AQI</b> |
|--------------------------------|------------|
| GOOD                           | 0-50       |
| MODERATE                       | 51-100     |
| UNHEALTHY FOR SENSITIVE GROUPS | 101-150    |
| UNHEALTHY                      | 151-200    |
| VERY UNHEALTHY                 | 201-300    |
| HAZARDOUS                      | 301-500    |

- C. All wood burning, including, but not limited to, within a solid fuel heating appliance designed for wood fuel (commonly known as a "wood stove") or open fireplace, is prohibited whenever the DEQ forecasts an AQI of seventy five (75) or greater or forecasts air stagnation conditions will continue for at least twenty four (24) hours.
- D. No person shall allow, suffer, cause or permit any open burning of any kind (see IDAPA 58.01.01.600 – 623) whenever DEQ forecasts an AQI of 75 or greater or forecasts air stagnation conditions will continue for at least 24 hours.

**Section 4: Public Notification:**

Whenever air pollution alert conditions are met, local print and news media, local officials, the police and fire departments, and city officials will be notified. In addition DEQ will post information on the DEQ website and the air quality hotline.



**Section 5: Burning Solid Fuel or Refuse:**

- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel commonly known as a "wood stove".
- B. No person shall cause or allow a wood stove to be operated contrary to the design, specifications and manufacturer's instructions.
- C. Notwithstanding the provisions of any section of the this ordinance, no person shall allow, suffer, cause, or permit the burning of materials which emit toxic contaminants or large volumes of smoke, particulate or odors deemed a public nuisance; such prohibited materials consist of, but are not limited to, the following: garbage, tires or any other rubber materials, plastics, heavy petroleum products, dead animals or parts thereof, treated lumber, tree stumps, trash, wet or green vegetation, trade waste, commercial waste, roofing materials or any other asphaltic materials, drywall, sheetrock, tarpaper, floor underlayment, insulation, chemicals, household garbage, motor vehicles or parts thereof whether junked or not, insulated wire, pathogenic wastes, hazardous wastes, etc.
- D. No person shall operate a residential solid fuel burning device or fireplace if the visible emissions exceed 20% opacity as measured by EPA method 9, except as follows:
  - 1. During an initial fifteen minute start-up period, or
  - 2. During refueling operations which may not exceed a fifteen minute period in any three hour period.
- E. Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause or permit the burning of any materials when the AQI as forecasted by the DEQ reaches (75) or higher for any air pollutant within the Cache Valley Airshed.

**Section 6: Solid Fuel Heating Appliance Restrictions and Permits:**

- A. From the date that this ordinance is effective, no person may sell or offer for sale within the city limits of Preston any solid fuel heating appliance which is not listed and certified by the EPA as a clean burning appliance.
- B. No person shall install any solid fuel heating appliance in any new or existing building without first having obtained a permit to do so from the City. In order for such a permit to be granted, all such appliances shall be listed and certified by the EPA as clean burning appliances. Installations shall be in accordance with the Uniform Fire Code and manufacturer's instructions.

- C. From the date the ordinance is effective; no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat.

**Section 7: Exemptions from Restrictions:**

- A. All solid fuel burning appliances classified by the EPA as a clean burning appliance may be operated during an air quality alert.
- B. A three hour burn down period shall be allowed for solid fuel heating appliances or fireplaces whose operation was commenced prior to the air quality alert.
- C. The City may grant exemptions from this ordinance if it is determined that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which it is situated or
  - 2. Using alternative heating would cause an unreasonable economic hardship.
- D. Any building constructed after the effective date of this ordinance shall not be eligible for an exemption under subsections C1 and C2 of this section.

**Section 8: Minimum Standards For Clean Burning Appliances:**

- A. Appliances shall meet the requirements of the code of federal regulations title 40, part 60, subpart AAA, "standards of performance for new residential wood heaters".

**Section 9: Penalty:**

~~A violation of any of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine up to \$1,000.00 and by confinement in the county jail for a period not to exceed six (6) months or by both such fine and imprisonment.~~

**Section 10:** The rule requiring that this ordinance be read on three separate occasions is hereby waived.

**Section 11:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 12:** This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.



PASSED AND APPROVED by the Mayor and City Council of the City of Preston, Idaho, this  
11<sup>th</sup> day of June, 2012.

CITY OF PRESTON, IDAHO

By: F. Lee Hendrickson  
F. Lee Hendrickson, Mayor

ATTEST:

Jerry C. Larsen  
Jerry C. Larsen, Clerk

**ORDINANCE NO. 2012- 01**

AN ORDINANCE OF THE CITY OF WESTON, IDAHO, SETTING FORTH THE AUTHORITY AND PURPOSE OF SAID ORDINANCE; DEFINITIONS OF TERMS CONTAINED THEREIN; ESTABLISHING AIR QUALITY DESIGNATIONS AND ALERT CRITERIA; PROHIBITING THE BURNING OF CERTAIN FUELS OR REFUSE WITHIN A SOLID FUEL HEATING APPLIANCE OR THE BURNING OF MATERIALS WHEN AIR POLLUTANTS REACH A CERTAIN LEVEL; ESTABLISHING SOLID FUEL HEATING APPLIANCE RESTRICTIONS AND PERMITS THEREFOR AND EXEMPTIONS FROM RESTRICTIONS; SETTING FORTH MINIMUM STANDARDS FOR CLEAN BURNING APPLIANCES, AND PRESCRIBING A PENALTY FOR VIOLATION OF THIS ORDINANCE; REPEALING OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; WAIVING THE RULE REQUIRING READING OF THIS ORDINANCE ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTON, IDAHO, AS FOLLOWS:**

**Section 1:** *Authority and Purpose.* The purpose of this ordinance is protect air quality resources vital to the public health, safety, and welfare of the City of Weston by controlling emissions from solid fuel and refuse burning. This ordinance is promulgated under the authority of Idaho Code Section 50-302.

**Section 2:** *Definitions:* For the purpose of this ordinance, the following terms, phrases, words, and derivations all have the meanings given herein. The word "shall" is always mandatory and not merely directive.

**AIR POLLUTION:** The presence in the outdoor atmosphere of any contaminate or combinations thereof in such quality or of such nature and duration and under such conditions as would be injurious to human health or welfare, to plant or animal life, or to property, to interfere unreasonably with the enjoyment of life or property.

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D. Maximum weight of less than eight hundred kilograms (800 kg).

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- C. All wood burning, including, but not limited to, within a solid fuel heating appliance designed for wood fuel (commonly known as a "wood stove") or open fireplace, is prohibited whenever the DEQ forecasts an AQI of seventy five (75) or greater or forecasts air stagnation conditions will continue for at least twenty four (24) hours.
- D. No person shall allow, suffer, cause or permit any open burning of any kind (see IDAPA 58.01.01.600 – 623) whenever DEQ forecasts an AQI of 75 or greater or forecasts air stagnation conditions will continue for at least 24 hours.

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- A. No person shall cause or allow refuse or coal to be burned in a solid fuel heating appliance designed for wood fuel commonly known as a "woodstove".
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  - 1. During an initial fifteen minute start-up period, or
  - 2. During refueling operations which may not exceed a fifteen minute period in any three hour period.
- E. Notwithstanding the provisions of any section of this ordinance, no person shall allow, suffer, cause or permit the burning of any materials when the AQI as forecasted by the DEQ reaches (75) or higher for any air pollutant within the Cache Valley Airshed.

**Section 6:** *Solid Fuel Heating Appliance Restrictions and Permits:*

- A. From the date that this ordinance is effective, no person may sell or offer for sale within the city limits of Weston any solid fuel heating appliance which is not listed and certified by the EPA as a clean burning appliance.
- B. No person shall install any solid fuel heating appliance in any new or existing building without first having obtained a permit to do so from the City. In order for such a permit to be granted, all such appliances shall be listed and certified by the EPA as clean burning appliances. Installations shall be in accordance with the Uniform Fire Code and manufacturer's instructions.

- C. From the date the ordinance is effective; no person shall construct, or attempt to construct, any building for which a solid fuel burning appliance will be the sole source of heat.

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- A. All solid fuel burning appliances classified by the EPA as a clean burning appliance may be operated during an air quality alert.
- B. A three hour burn down period shall be allowed for solid fuel heating appliances or fireplaces whose operation was commenced prior to the air quality alert.
- C. The City may grant exemptions from this ordinance if it is determined that:
  - 1. A solid fuel heating appliance is the sole source of heat for the structure in which is situated or
  - 2. Using alternative heating would cause an unreasonable economic hardship.
- D. Any building constructed after the effective date of this ordinance shall not be eligible for an exemption under subsections C1 and C2 of this section.

**Section 8:** *Minimum Standards For Clean Burning Appliances:*

- A. Appliances shall meet the requirements of the code of federal regulations title 40, part 60, subpart AAA, "standards of performance for new residential wood heaters".

**Section 9:** ~~*Penalty:*~~

~~A violation of any of the provisions of this ordinance shall constitute a misdemeanor punishable by a fine up to \$1,000.00 and by confinement in the county jail for a period not to exceed six (6) months or by both such fine and imprisonment.~~

**Section 10:** The rule requiring that this ordinance be read on three separate occasions is hereby waived.

**Section 11:** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 12:** This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED by the Mayor and City Council of the City of Weston, Idaho, this  
1<sup>st</sup> day of August, 2012.

CITY OF WESTON, IDAHO

By: Camille Larsen  
Camille Larsen, Mayor

ATTEST:

Sallie Dance  
Sallie Dance, Clerk

**40 CFR 52.670(d)**

**EPA approved source-specific  
requirements.**





**Air Pollution  
TIER II OPERATING PERMIT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: 001-00115

AQCR: 64

CLASS: SM

SIC: 2431

ZONE: 11

UTM COORDINATE (km): 548.3, 4828.3

**1. PERMITTEE**

LP Wood Polymers, Inc.

**2. PROJECT**

Tier II Operating Permit - Northern Ada County PM<sub>10</sub> Maintenance Plan

**3. MAILING ADDRESS**

420 West Franklin

**CITY**

Meridian

**STATE**

Idaho

**ZIP**

83642

**4. FACILITY CONTACT**

Camren Richter

**TITLE**

Group Environmental Manager

**TELEPHONE**

(216) 233-0394

**5. RESPONSIBLE OFFICIAL**

Ken Ropski

**TITLE**

Plant Manager

**TELEPHONE**

(208) 888-6798

**6. EXACT PLANT LOCATION**

420 West Franklin

**COUNTY**

Ada

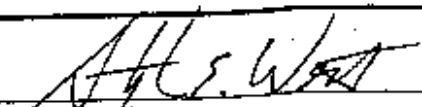
**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Extruded Decking Manufacturing

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, Section 58.01.01.400 and pertains only to emissions of air contaminants which are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's (Department) technical analysis of the supplied information. Changes in design or equipment, which result in any change in the nature or amount of emissions, may be a modification. Modifications are subject to the Department review in accordance with Section 58.01.01.200 of the *Rules for the Control of Air Pollution in Idaho*.

  
ADMINISTRATOR, BOISE REGIONAL OFFICE  
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: July 12, 2002

DATE EXPIRES: July 12, 2007

REB MASP.TVMB.4005.480

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00115**

Permittee: LP Wood Polymers, Inc.  
Location: Meridian, Idaho

Date Issued: July 12, 2002  
Date Expires: July 12, 2007

**SOURCE: Storage Silo Baghouse, Baghouses Associated with Conversion Project, Receiver Filters, Cartridge Filters, Grinder Baghouse (BH1), and Associated Vehicle Traffic**

**1. EMISSIONS LIMITS**

**1.1 EMISSIONS LIMITS**

Particulate matter (PM) and particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM<sub>10</sub>) emissions from the storage silo baghouse stack, baghouse stacks associated with the conversion project, filter receivers, cartridge filters, and grinder baghouse (BH1), shall not exceed the pounds per hour (lb/hr) and the tons per any consecutive 12-month period (T/yr) limits listed in Appendix.

**1.2 OPACITY LIMITS**

~~Emissions from the storage baghouse stack, baghouse stacks associated with the conversion project, filter receivers, cartridge filters, or any other stack, vent, or functionally equivalent opening, shall not exceed 20% opacity for a period or periods aggregating more than three minutes in any 60-minute period as required by IDAPA 58.04.04.625 (Rules for the Control of Air Pollution in Idaho). Opacity shall be determined by the procedure contained in IDAPA 58.04.04.625.~~

**1.3 VISIBLE EMISSIONS LIMITS**

Visible emissions shall not be observed leaving the property boundary for a period or periods aggregating more than three minutes in any 60-minute period. Visible emissions shall be determined by Environmental Protection Agency Reference Method 22 (as described in 40 CFR 60), the Appendix, or a Department-approved alternative method.

**2. OPERATING REQUIREMENTS**

**2.1 OPERATING HOURS**

~~The storage baghouse, baghouses associated with the conversion project, filter receivers, cartridge filters, and BH1 shall be operated according to their respective operation and maintenance (O&M) manual or manufacturer's specifications during operation.~~

**2.2 Baghouse Pressure Drop**

~~The pressure drop across the storage silo baghouse, baghouse associated with the conversion project, filter receivers, cartridge filters, and BH1 shall be maintained within the manufacturer's specifications or the O&M manual. Documentation of the operating pressure drop readings for the baghouses, filter receivers, and filter cartridges shall remain onsite at all times and made available to Department representatives upon request.~~

**2.3 Replacement Bags, Filters, and Cartridges**

~~All bag, filter, and cartridge replacements must be of the same or equivalent performance quality as stated within the facility's application.~~

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001- 00115**

Permittee: LP Wood Polymers, Inc.  
Location: Meridian, Idaho

Date Issued: July 12, 2002

~~Date Expires: July 12, 2007~~

**SOURCE: Storage Silo Baghouse, Baghouses Associated with Conversion Project, Receiver Filters, Cartridge Filters, Grinder Baghouse (BH1), and Associated Vehicle Traffic.**

~~2.4 Reasonable Control of Fugitive Emissions~~

~~As required in IDAPA 58.01.01.654, all reasonable precautions shall be taken to prevent PM from becoming airborne. In determining what is reasonable, considerations will be given to factors such as the proximity of dust-emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM.~~

~~Some of the reasonable precautions include, but are not limited to, the following:~~

~~2.4.1 Using water or chemicals for controlling dust when demolishing existing buildings or structures, performing construction operations, grading roads, and clearing of lands;~~

~~2.4.2 Applying asphalt, water or suitable chemicals to, or covering, dirt roads, material stockpiles, and other surfaces that can create dust;~~

~~2.4.3 Installing and using hoods, fans and fabric filters, or equivalent systems to enclose and vent the dusty materials. Adequate containment methods should be employed during sandblasting or other operations;~~

~~2.4.4 Covering open bodied trucks transporting materials likely to give rise to airborne dusts;~~

~~2.4.5 Paving of roadways and maintaining them in a clean condition; or~~

~~2.4.6 Promptly removing earth or other stored material from streets.~~

~~3. MONITORING AND RECORDKEEPING REQUIREMENTS~~

~~3.1 Monitor Operation Parameters~~

~~The permittee shall monitor and record on a weekly basis, the pressure drop across each baghouse, receiver filter, and cartridge filter. The most recent two years' compilation of records shall be kept onsite, in a record, and shall be made available to Department representatives upon request.~~

~~3.2 Operations and Maintenance (O&M) Manual Requirements~~

~~Within 60 days after start-up, the permittee shall have developed an O&M manual for each baghouse, receiver filter, and cartridge filter system that describes the procedures followed to comply with General Provision B and the manufacturer's air pollution control device specifications. This manual shall remain onsite at all times and be made available to Department representatives upon request.~~

~~4. REPORTING REQUIREMENTS~~

~~4.1 Certification of Documents~~

~~All documents submitted to the Department, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.~~

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00115

PERMITTEE: LP WOOD POLYMERS, INC.  
LOCATION: MERIDIAN, IDAHO

DATE ISSUED: JULY 12, 2002  
~~DATE EXPIRES: JULY 12, 2007~~

## Appendix

### Appendix

LP Wood Polymers, Inc.

#### Hourly (lb/hr)<sup>b</sup> and Annual<sup>c</sup> (T/yr)<sup>d</sup> Point Source Emissions Limits<sup>a</sup>

| SOURCE   | PM <sub>10</sub> <sup>e</sup> |      |
|--|-------------------------------|------|
|  | lb/hr                         | T/yr |
| Storage Silo Baghouse Stack  | 0.014                         | 0.06 |
| Combined emissions of Baghouses, receiver filters, and cartridge filters from Conversion Project with associated vehicle traffic | 0.6                           | 2.62 |
| Grinder Baghouse (BH1)   | 0.09                          | 0.39 |
| Totals   | 0.704                         | 3.07 |

<sup>a</sup> As determined by a pollutant-specific U.S. EPA reference method, Department-approved alternative, or as determined by the Department emissions estimation methods used in the permit application analysis.

<sup>b</sup> Pound per hour

<sup>c</sup> As determined by multiplying the actual or allowable (if actual is not available) lb/hr emissions rate by the allowable hours per year that the process(es) may operate, or by actual annual production rates.

<sup>d</sup> Tons per year

<sup>e</sup> PM<sub>10</sub> - particulate matter with an aerodynamic diameter of 10 microns or less.

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00115

PERMITTEE: LP WOOD POLYMERS, INC.  
LOCATION: MERIDIAN, IDAHO

DATE ISSUED: JULY 12, 2002  
DATE EXPIRES: JULY 12, 2007

## GENERAL PROVISIONS

### TIER II OPERATING PERMIT GENERAL PROVISIONS

- A. All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B. The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C. The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  - 2) At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emissions testing (i.e., performance tests) in conformance with state approved or accepted Environmental Protection Agency procedures when deemed appropriate by the Director.
- D. Except for data determined to be confidential under Section 9-342A, *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department of Environmental Quality.
- E. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- F. In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G. This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.
- H. The Director may require the permittee to develop a list of operation and maintenance procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I. Performance tests (i.e., air emission source tests) conducted pursuant to testing requirements in this permit must be conducted in accordance with IDAPA 58.01.01:157. Such testing shall not be conducted on weekends or state holidays unless the permittee obtains prior Department approval.
- The permittee shall submit a proposed test date for each performance test required by this permit to the Department for approval at least 15 days prior to each respective test date (including each test date for periodic tests such as, for example, annual tests). The permittee shall promptly notify the Department of any change in the proposed test date and shall provide at least five working days advance notice prior to conducting any re-scheduled test, unless the Department approves a shorter notice period.

Within 30 days of the date on which a performance test required by this permit is concluded, the permittee shall submit to the Department a performance test report for the respective test. The performance test report shall

AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00115

PERMITTEE: LP WOOD POLYMERS, INC.  
LOCATION: MERIDIAN, IDAHO

DATE ISSUED: JULY 12, 2002  
DATE EXPIRES: JULY 12, 2007

GENERAL PROVISIONS

~~include any and all process operating data required to be recorded during the test period as well as the test results, raw test data, and associated documentation.~~

~~The maximum allowable source operating rate shall be limited to 120% of the average operating rate attained during the most recent performance test conducted pursuant to this permit, for which a test protocol has been granted prior approval by the Department, which demonstrated compliance with the respective pollutant emissions limit unless (1) a more restrictive operating limit is specified elsewhere in this permit, or (2) at such an operating rate, emissions would exceed any emissions limit(s) set forth in this permit.~~

J. ~~The provisions of this permit are severable; if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.~~



**Air Pollution  
TIER II OPERATING PERMIT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: 001-00046

AQCR: 64

CLASS: B

SIC: 3273

ZONE: 11

UTM COORDINATE (km): 554.3, 4823.5

1. **PERMITTEE**  
Consolidated Concrete Company

2. **PROJECT**  
Tier II Operating Permit

|  |                      |                       |                     |
|--|----------------------|-----------------------|---------------------|
| 3. <b>MAILING ADDRESS</b><br>P.O. Box 9225 | <b>CITY</b><br>Boise | <b>STATE</b><br>Idaho | <b>ZIP</b><br>83707 |
|--|----------------------|-----------------------|---------------------|

|  |                         |                                    |
|--|-------------------------|------------------------------------|
| 4. <b>FACILITY CONTACT</b><br>Bonnie Short | <b>TITLE</b><br>Manager | <b>TELEPHONE</b><br>(208) 939-0303 |
|--|-------------------------|------------------------------------|

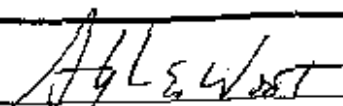
|  |                         |                                    |
|--|-------------------------|------------------------------------|
| 5. <b>RESPONSIBLE OFFICIAL</b><br>Bonnie Short | <b>TITLE</b><br>Manager | <b>TELEPHONE</b><br>(208) 939-0303 |
|--|-------------------------|------------------------------------|

|  |                      |
|--|----------------------|
| 6. <b>EXACT PLANT LOCATION</b><br>11532 W. Joplin Road | <b>COUNTY</b><br>Ada |
|--|----------------------|

7. **GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**  
Concrete Production

8. **PERMIT AUTHORITY**  
This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, Section 58.01.01.400 and pertains only to emissions of air contaminants which are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's (Department) technical analysis of the supplied information. Changes in design or equipment that results in any change in the nature or amount of emissions, may be a modification. Modifications are subject to the Department review in accordance with section 58.01.01.200 of the *Rules for the Control of Air Pollution in Idaho*.

  
ADMINISTRATOR, BOISE REGIONAL OFFICE  
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: December 3, 2001

DATE EXPIRES: ~~December 3, 2006~~

Permittee: Consolidated Concrete Company  
Location: Boise, Idaho

Date Issued: December 3, 2001  
~~Date Expires: December 3, 2009~~

**SOURCE: Sand & Gravel Transfer, Weigh Hopper, Truck Mixing, Vehicle Traffic and Associated Emissions**

**1. EMISSION LIMITS**

**1.1 Emission Limits**

Particulate matter (PM) and particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM<sub>10</sub>) emissions from the sand and gravel transfer, weigh hopper, truck mixing, vehicle traffic and wind erosion, shall not exceed the pounds per hour (lb/hr) and the tons per any consecutive twelve (12) month period limits listed in the Appendix.

**1.2 ~~Opacity Limit~~**

~~Emissions from the sand and gravel transfer, weigh hopper, truck mixing, vehicle traffic and associated processes at any other stack, vent, or functionally equivalent opening, shall not exceed 30 percent opacity for a period or periods aggregating more than three minutes in any 60 minute period as required by IDAPA 58.04.01.025 (Rules for the Control of Air Pollution in Idaho). Opacity shall be determined by the procedure contained in IDAPA 58.04.01.025.~~

**1.3 Visible Emission Limits**

Visible emissions shall not be observed leaving the property boundary for a period or periods aggregating more than three minutes in any 60-minute period. Visible emissions shall be determined by EPA Reference Method 22 (as described in 40 CFR 60), the Appendix, or Department-approved alternative method.

**2. OPERATING REQUIREMENTS**

**2.1 ~~Operating Requirements~~**

~~The sand and gravel transfer, weigh hopper, and truck mixing shall be operating within their respective operating and maintenance (O&M) manual or their manufacturer's specifications anytime their related process(es) is/are in operation.~~

**2.2 ~~Concrete Baghouse~~**

~~The concrete baghouse and the building covering process operations shall be maintained as stated within the manufacturer's specifications or the O&M manual. Documentation of the maintenance or change of operation of the concrete baghouse and the building covering process operations shall remain on-site at all times and shall be made available to Department representatives upon request.~~

**2.3 Material Throughput**

The permittee shall not exceed the production of 250,000 cubic yards of concrete per any consecutive 12-month period.



**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00046**

Permittee: Consolidated Concrete Company  
Location: Boise, Idaho

Date Issued: December 3, 2001  
→ Date Expires: December 6, 2006

**SOURCE: Sand & Gravel Transfer, Weigh Hopper, Truck Mixing, Vehicle Traffic, and Associated Emissions.**

**2.2 Reasonable Control of Fugitive Emissions**

~~All reasonable precautions shall be taken to prevent PM from becoming airborne as required in DAPA 60.01.01.051. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:~~

~~2.2.1 Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands;~~

~~2.2.2 Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust;~~

~~2.2.3 Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations;~~

~~2.2.4 Covering, where practical, of open bodied trucks transporting materials likely to give rise to airborne dust;~~

~~2.2.5 Paving of roadways and their maintenance in a clean condition, where practical; or~~

~~2.2.6 Prompt removal of earth or other stored material from streets, where practical.~~

**2.3 MONITORING AND RECORDKEEPING REQUIREMENTS**

**3.1 Monitor Operation Parameters**

The permittee shall monitor and record on a weekly basis, any visible emissions from the concrete baghouse. The most recent two years' compilation of records shall be kept onsite, in a record, and shall be made available to Department representatives upon request.

**3.2 Concrete Production**

The permittee shall maintain a record of the cubic yards of concrete produced per any consecutive 12-month period. Production records shall be updated monthly.

**2.4 Operations and Maintenance Manual Requirements**

~~Within 60 days after permit issuance, the permittee shall have developed an O&M manual for the concrete baghouse and the water usage covering the concrete production operation that describes the procedures followed to comply with General Provision B and the manufacturer's air pollution control device specifications. This manual shall remain onsite at all times and shall be made available to Department representatives upon request.~~

AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00046

Permittee: Consolidated Concrete Company  
Location: Boise, Idaho

Date Issued: December 3, 2001  
~~Date Expires: December 3, 2006~~

~~SOURCE: Sand & Gravel Transfer, Weigh Hopper, Truck Mixing, Vehicle Traffic, and Associated Emissions~~

~~REPORTING REQUIREMENTS~~

~~Certification of Documents~~

~~All documents submitted to the Department, including but not limited to records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.~~

PERMITTEE: CONSOLIDATED CONCRETE COMPANY  
 LOCATION: BOISE, IDAHO

DATE ISSUED: DECEMBER 3, 2001  
 DATE REVISED: DECEMBER 3, 2000

Appendix

APPENDIX

Consolidated Concrete Company

Hourly (lb/hr)<sup>b</sup> and Annual<sup>c</sup> (T/yr)<sup>d</sup> Point Source Emissions Limits<sup>a</sup>

| SOURCE                         | PM <sub>10</sub> |      |
|--------------------------------|------------------|------|
|                                | lb/hr            | T/yr |
| Concrete Storage Silo Baghouse | 0.7              | 0.1  |
| Associated Process Emissions   | 16               | 20   |

- <sup>a</sup> As determined by a pollutant-specific U.S. EPA reference method, Department-approved alternative, or as determined by the Department emission estimation methods used in the permit application analysis.
- <sup>b</sup> Pound per hour
- <sup>c</sup> As determined by multiplying the actual or allowable (if actual is not available) lb/hr emission rate by the allowable hours per year that the process(es) may operate, or by actual annual production rates.
- <sup>d</sup> Tons per year
- <sup>e</sup> PM<sub>10</sub> - particulate matter with an aerodynamic diameter of 10 microns or less.

Permittee: Consolidated Concrete Company  
Location: Boise, Idaho

Date Issued: December 3, 2001  
Date Expires: December 3, 2006

## GENERAL PROVISIONS

## TIER II OPERATING PERMIT GENERAL PROVISIONS

- A. All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code 39-101 et. seq.
- B. The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C. The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
1. To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  2. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emission testing (i.e., performance tests) in conformance with state approved or accepted EPA procedures when deemed appropriate by the Director.
- D. Except for data determined to be confidential under Section 9-342A, *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department.
- E. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- F. In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G. This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 30 days after receipt of the Director's request shall cause the permit to be voided.
- H. The Director may require the permittee to develop a list of operation and maintenance procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I. Performance tests (i.e. air emission source tests) conducted pursuant to testing requirements in this permit must be conducted in accordance with IDAPA 58.01.01.157. Such testing shall not be conducted on weekends or state holidays unless the permittee obtains prior Department approval.

The permittee shall submit a proposed test date for each performance test required by this permit to the Department for approval at least 15 days prior to each respective test date (including each test date for periodic tests such as, for example, annual tests). The permittee shall promptly notify the Department of any change in the proposed test date and shall provide at least 5 working days advanced notice prior to conducting any rescheduled test, unless the Department approves a shorter notice period.

Within 30 days of the date on which a performance test required by this permit is concluded, the permittee shall submit to the Department a performance test report for the respective test. The performance test report shall

AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00046

Permittee: Consolidated Concrete Company  
Location: Boise, Idaho

Date Issued: December 3, 2001  
~~Date Expires: December 3, 2006~~

GENERAL PROVISIONS

~~Include any and all process operating data required to be recorded during the test period as well as the test results, raw test data, and associated documentation.~~

~~The maximum allowable source operating rate shall be limited to 120 percent of the average operating rate attained during the most recent performance test conducted pursuant to this permit, for which a test protocol has been granted prior approval by the Department, which demonstrated compliance with the respective pollutant emission limit unless (1) a more restrictive operating limit is specified elsewhere in this permit or (2) at such an operating rate, emissions would exceed any emission limit(s) set forth in this permit.~~

- J. ~~The provisions of this permit are severable; if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.~~



**Air Pollution  
TIER II OPERATING PERMIT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: 027-00020

AQCR: 64

CLASS: SM

SIC: 721

ZONE: 11

UTM COORDINATE (km): 524.107, 4835.085

**1. PERMITTEE**

Crookham Company

**2. PROJECT**

Tier II Operating Permit – Northern Ada County PM<sub>10</sub> Maintenance Plan

**3. MAILING ADDRESS**

P.O. Box 520

**CITY**

Caldwell

**STATE**

Idaho

**ZIP**

83606

**4. FACILITY CONTACT**

Gene Hibbard

**TITLE**

Plant Supervisor

**TELEPHONE**

(208) 459-7451

**5. RESPONSIBLE OFFICIAL**

Gene Hibbard

**TITLE**

Plant Supervisor

**TELEPHONE**

(208) 459-7451

**6. EXACT PLANT LOCATION**

301 West Warehouse, Caldwell

**COUNTY**

Canyon

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Corn, onion seed, and carrot seed processing

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.400, and pertains only to emissions of air contaminants that are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's (Department) technical analysis of the supplied information. Changes in design or equipment that result in any change in the nature or amount of emissions, may be a modification. Modifications are subject to Department review in accordance with Section 58.01.01.200 of the *Rules for the Control of Air Pollution in Idaho*.

  
ADMINISTRATOR, BOISE REGIONAL OFFICE  
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: January 18, 2002

DATE EXPIRES: January 18, 2007

REB MASP.TVMB.4005.480

AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027- 00020

Permittee: Crookham Company  
Location: Caldwell, Idaho

Date Issued: January 18, 2002  
Date Expires: January 18, 2007

SOURCE: Receiving, Husking, Drying, Shelling, Scalping, Sizing, Electronically Identifying, Bagging, and Vehicle Traffic

**1. ~~EMISSION LIMITS~~**

**1.1 Emission Limits**

Particulate matter (PM), and particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM<sub>10</sub>) emissions from the stacks associated with the processes of receiving, husking, drying, shelling, sizing, electronically identifying, and bagging corn, onion, and carrot seeds, as well as vehicle operation shall not exceed the pounds per hour and the tons per any consecutive 12-month period limits listed in the Appendix of this permit.

**1.2 Opacity Limit**

~~Emissions from the stacks associated with the processes of receiving, husking, drying, shelling, sizing, electronically identifying, and bagging of corn, onion and carrot seeds, as well as vehicle, or any other stack, vent, or functionally equivalent opening, shall not exceed 20 percent opacity for a period or periods aggregating more than three minutes in any 60-minute period as required by IDAPA 58.01.01.625 (Rules for the Control of Air Pollution in Idaho). Opacity shall be determined by the procedure contained in IDAPA 58.01.01.625.~~

**1.3 Visible Emission Limits**

Visible emissions shall not be observed leaving the property boundary for a period or periods aggregating more than three minutes in any 60-minute period. Visible emissions shall be determined by Environmental Protection Agency Reference Method 22, as described in 40 CFR 60, the Appendix, or a Department-approved alternative method.

**2. ~~OPERATING REQUIREMENTS~~**

**2.1 Operating Hours**

In each process, the receiving, husking, drying, shelling, sizing, electronically identifying, and bagging shall not exceed 1,210 hours of operation per any consecutive 12-month period.

**2.2 Process Requirements**

~~The receiving, husking, drying, shelling, sizing, electronically identifying, bagging processes, and vehicle traffic fugitive dust control shall be maintained as stated within the manufacturer's specifications or associated operation and maintenance manual. Documentation of maintenance or operation changes for any process or traffic fugitive dust operations shall remain on site at all times and made available to Department representatives upon request.~~

**2.3 Material Throughput**

The permittee shall not exceed the receiving limit of 14,000 tons of material for processing per any consecutive 12-month period.

Permittee: Crookham Company  
Location: Caldwell, Idaho

Date Issued: January 18, 2002  
Date Expires: January 18, 2007

SOURCE: Receiving, Husking, Drying, Shelling, Scalping, Sizing, Electronically Identifying, Bagging, and Vehicle Traffic.

#### 2.4 Reasonable Control of Fugitive Emissions

~~As required in IDAPA 58.04.01.654, all reasonable precautions shall be taken to prevent PM from becoming airborne. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM.~~

~~Some of the reasonable precautions include, but are not limited to, the following:~~

- ~~2.4.1 Using water or chemicals for controlling dust when demolishing existing buildings or structures, performing construction operations, grading roads, and clearing of lands;~~
- ~~2.4.2 Applying asphalt, water or suitable chemicals to, or covering, dirt roads, material stockpiles, and other surfaces that can create dust;~~
- ~~2.4.3 Installing and using hoods, fans and fabric filters, or equivalent systems to enclose and vent the dusty materials. Adequate containment methods should be employed during sandblasting or other operations;~~
- ~~2.4.4 Covering open bodied trucks transporting materials likely to give rise to airborne dusts;~~
- ~~2.4.5 Paving of roadways and maintaining them in a clean condition; or~~
- ~~2.4.6 Promptly removing earth or other stored material from streets.~~

#### 3. MONITORING AND RECORDKEEPING REQUIREMENTS

##### 3.1 Monitor Operation Parameters

The most recent five-year compilation of records shall be kept onsite, in a record, and shall be made available to Department representatives upon request. The permittee shall monitor and record, on a weekly basis, the information listed below.

- 3.1.1 Any visible emissions from any stack associated with a process on a weekly basis
- 3.1.2 Hours of operation each year

##### 3.2 Material Received

The permittee shall maintain a record of the material received for processing during any consecutive 12-month period.

##### 3.3 Operations and Maintenance (O&M) Manual Requirements

~~Within 60 days after permit issuance, the permittee shall have developed an O&M manual for each process air pollution control device (cyclone and baghouse). The O&M manual shall describe the procedures followed to comply with General Provision B of this permit and the manufacturer's air pollution control device specifications. This manual shall remain onsite at all times and be made available to Department representatives upon request.~~



AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00020

Applicant: Crookham Company  
Location: Caldwell, Idaho

Date Issued: January 18, 2002  
~~Date Expired: January 18, 2007~~

SOURCE: Receiving, Husking, Drying, Shelling, Scalping, Sizing, Electronically Identifying, Bagging, and Vehicle Traffic

~~4. REPORTING REQUIREMENTS~~

~~4.1 Certification of Documents~~

~~All documents submitted to the Department, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.~~

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00020**

**Permittee:** Crookham Company  
**Location:** Caldwell, Idaho

**Date Issued:** January 18, 2002  
**Date Expires:** January 18, 2007

**Appendix**

**Appendix**

**Crookham Company**

**Hourly (lb/hr)<sup>a</sup> and Annual<sup>b</sup> (T/yr) <sup>c</sup>Point Source Emissions Limits<sup>d</sup>**

| SOURCE  | PM <sub>10</sub> <sup>e</sup> |      |
|---|-------------------------------|------|
|   | lb/hr                         | T/yr |
| Combined Cyclones and Baghouses                             | 0.43                          | 0.26 |
| Associated Uncontrolled Stack and Vehicle Traffic Emissions | 9.79                          | 5.92 |

<sup>a</sup> Pound per hour

<sup>b</sup> As determined by multiplying the actual or allowable (if actual is not available) lb/hr emission rate by the allowable hours per year that the process(es) may operate, or by actual annual production rates.

<sup>c</sup> Tons per year

<sup>d</sup> As determined by a pollutant-specific U.S. EPA reference method, Department-approved alternative, or as determined by the Department emission estimation methods used in the permit application analysis.

<sup>e</sup> PM<sub>10</sub> - particulate matter with an aerodynamic diameter of 10 microns or less.

Permittee: Crookham Company  
Location: Caldwell, Idaho

Date Issued: January 18, 2002  
Date Expires: January 18, 2007

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**GENERAL PROVISIONS**

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**TIER II OPERATING PERMIT GENERAL PROVISIONS**

- A. All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit, the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B. The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C. The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
1. To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  2. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emission testing (i.e., performance tests) in conformance with state-approved or accepted Environmental Protection Agency procedures when deemed appropriate by the Director.
- D. Except for data determined to be confidential under Section 9-342A, *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department.
- E. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- F. In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G. This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 60 days after receipt of the Director's request shall cause the permit to be voided.
- H. The Director may require the permittee to develop a list of O&M procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I. Performance tests (i.e., air emission source tests) conducted pursuant to testing requirements in this permit must be conducted in accordance with IDAPA 58.01.01.157. Such testing shall not be conducted on weekends or state holidays unless the permittee obtains prior Department approval.

The permittee shall submit a proposed test date for each performance test required by this permit to the Department for approval at least 15 days prior to each respective test date (including each test date for periodic tests such as, for example, annual tests). The permittee shall promptly notify the Department of any change in the proposed test date and shall provide at least five working days advanced notice prior to conducting any re-scheduled test, unless the Department approves a shorter notice period.

AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00020

Permittee: Crookham Company  
Location: Caldwell, Idaho

Date Issued: January 18, 2002  
Date Expires: January 18, 2007

GENERAL PROVISIONS

~~Within 30 days of the date on which a performance test required by this permit is concluded, the permittee shall submit to the Department a performance test report for the respective test. The performance test report shall include any and all process operating data required to be recorded during the test period as well as the test results, raw test data, and associated documentation.~~

~~The maximum allowable source operating rate shall be limited to 120 percent of the average operating rate attained during the most recent performance test conducted pursuant to this permit, for which a test protocol has been granted prior approval by the Department, which demonstrated compliance with the respective pollutant emission limit unless (1) a more restrictive operating limit is specified elsewhere in this permit, or (2) at such an operating rate, emissions would exceed any emission limit(s) set forth in this permit.~~

J. ~~The provisions of this permit are severable; and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.~~



**Air Pollution  
TIER II OPERATING PERMIT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: 001-00168

AQCR: 64

CLASS: SM

SIC: 5153

ZONE: 11

UTM COORDINATE (km): 548.3, 4828.3

**1. PERMITTEE**

Double D Service Center

**2. PROJECT**

Tier II Operating Permit - Northern Ada County PM<sub>10</sub> Maintenance Plan

**3. MAILING ADDRESS**

502 East 1<sup>st</sup> Street

**CITY**

Meridian

**STATE**

Idaho

**ZIP**

83642

**4. FACILITY CONTACT**

Dick Davis

**TITLE**

President

**TELEPHONE**

(208) 888-3003

**5. RESPONSIBLE OFFICIAL**

Dick Davis

**TITLE**

President

**TELEPHONE**

(208) 888-3003

**6. EXACT PLANT LOCATION**

502 East 1<sup>st</sup> Street

**COUNTY**

Ada

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Cleaning and bagging Oats and Bird Seed

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho* (Rules), IDAPA 58.01.01.400 and pertains only to emissions of air contaminants, which are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's (Department) technical analysis of the supplied information. Changes in design or equipment that result in any change in the nature or amount of emissions may be a modification. Modifications are subject to Department review in accordance with Section 58.01.01.200 of the *Rules for the Control of Air Pollution in Idaho*.

DATE ISSUED: February 4, 2002

DATE EXPIRES: February 4, 2007

  
ADMINISTRATOR, BOISE REGIONAL OFFICE  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**SOURCE: Receiving, Cleaning, Grinding, Processing, Transferring and Loading Operations**

**1. EMISSION LIMITS**

**1.1 Emission Limits**

Particulate matter (PM) and particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM<sub>10</sub>) emissions from the receiving, cleaning, grinding, processing, transferring, and loading operations, shall not exceed the pounds per hour and the tons per any consecutive 12-month period limits listed in the appendix of this permit.

**1.2 Opacity Limit**

~~Emissions from the receiving, cleaning, grinding, processing, transferring, and loading operations, or any other stack, vent, or functionally equivalent opening, shall not exceed 20 percent opacity for a period or periods aggregating more than three minutes in any 60-minute period as required by IDAPA 58.01.01.025 (Rules for the Control of Air Pollution in Idaho). Opacity shall be determined by the procedure contained in IDAPA 58.01.01.025.~~

**1.3 Visible Emission Limits**

Visible emissions shall not be observed leaving the property boundary for a period or periods aggregating more than three minutes in any 60-minute period. Visible emissions shall be determined by EPA Reference Method 22 (as described in 40 CFR 60), the appendix or a Department-approved alternative method.

**2. OPERATING REQUIREMENTS**

**2.1 Operating Hours**

~~The receiving, cleaning, grinding, processing, transferring, and loading operations shall be operated according to their respective operating and maintenance (O&M) manual or manufacturer's specifications.~~

**2.2.1 Grinder Cyclone**

~~The grinder cyclone shall be maintained as stated within the manufacturer's specifications and the O&M manual. Documentation of the maintenance or change in operation of the grinder cyclone shall remain on-site at all times and made available to the Department representatives upon request.~~

**2.3 Reasonable Control of Fugitive Emissions**

~~As required in IDAPA 58.01.01.051, all reasonable precautions shall be taken to prevent PM from becoming airborne. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM.~~

~~Some of the reasonable precautions include, but are not limited to, the following:~~

~~2.3.1 Using water or chemicals for controlling dust when demolishing existing buildings or structures, performing construction operations, grading roads, and clearing of lands;~~

~~2.3.2 Applying asphalt, water or suitable chemicals to, or covering, dirt roads, material stockpiles, and other surfaces that can create dust;~~

~~2.3.3 Installing and using hoods, fans and fabric filters, or equivalent systems to enclose and vent the dusty materials. Adequate containment methods should be employed during sandblasting or other operations;~~

Permittee: Double D Service Center.  
Location: Meridian, Idaho

Date issued: February 4, 2002  
Date Expires: February 4, 2007

SOURCE: Receiving, Cleaning, Grinding, Processing, Transferring and Loading Operations

~~2.3.4~~ Covering open-bodied trucks transporting materials likely to give rise to airborne dusts;

~~2.3.5~~ Paving of roadways and maintaining them in a clean condition; or

~~2.3.6~~ Promptly removing earth or other stored material from streets.

### ~~3. MONITORING AND RECORDKEEPING REQUIREMENTS~~

#### 3.1 Monitor Operation Parameters

The permittee shall monitor and record any visible emissions from the grinder cyclone while in operation on a weekly basis. The most recent five years' compilation of records shall be kept onsite, in a record, and shall be made available to Department representatives upon request.

#### ~~3.2~~ Material Throughput

3.2.1 The permittee shall not process more than 1,250 tons of material per any consecutive 12-month period.

3.2.2 The permittee shall not operate the cleaner or grinder in excess of an average hourly rate of 3 tons of material per hour and 5 tons of material per hour respectively.

3.2.3 The permittee shall record the average hourly material rate processed by the grinder and cleaner for each day in operation.

#### ~~3.3~~ Operations and Maintenance Manual Requirements

~~Within 60 days after permit issuance, the permittee shall have developed an Operation and Maintenance (O&M) manual for the grinder cyclone that describes the procedures followed to comply with General Provision B and the manufacturer's air pollution control device specifications. This manual shall remain onsite at all times and shall be made available to Department representatives upon request.~~

### ~~4. REPORTING REQUIREMENTS~~

#### ~~4.1~~ Certification of Documents

~~All documents submitted to the Department, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.~~

Permittee: Double D Service Center  
Location: Meridian, Idaho

Date Issued: February 4, 2002

Date Expires: February 4, 2007

## Appendix

### Appendix

#### Double D Service Center

#### Hourly (lb/hr)<sup>b</sup> and Annual<sup>c</sup> (T/yr)<sup>d</sup> Point Source Emissions Limits<sup>a</sup>

| SOURCE  | PM <sub>10</sub> <sup>a</sup> |      |
|---|-------------------------------|------|
|   | lb/hr                         | T/yr |
| Receiving, Cleaning, Grinding, Processing, Transferring, and Loading Operations | 0.5                           | 0.5  |

<sup>a</sup> As determined by a pollutant-specific U.S. EPA reference method, a Department-approved alternative, or Department emission estimation methods used in the permit application analysis.

<sup>b</sup> Pounds per hour

<sup>c</sup> As determined by multiplying the actual or allowable (if actual is not available) lb/hr emission rate by the allowable hours per year that the process(es) may operate, or by actual annual production rates.

<sup>d</sup> Tons per year

<sup>e</sup> Particulate matter with an aerodynamic diameter of 10 microns or less.



Permittee: Double D Service Center  
Location: Meridian, Idaho

Date issued: February 4, 2002

~~Date Expires: February 4, 2007~~

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**GENERAL PROVISIONS**

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**TIER II OPERATING PERMIT GENERAL PROVISIONS**

- A. All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit, the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B. The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C. The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
1. To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  2. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emission testing (i.e., performance tests) in conformance with state approved or accepted EPA procedures when deemed appropriate by the Director.
- D. Except for data determined to be confidential under Section 9-342A, *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department.
- E. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- F. In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G. This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 60 days after receipt of the Director's request shall cause the permit to be voided.
- H. The Director may require the permittee to develop a list of operation and maintenance procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I. Performance tests (i.e., air emission source tests) conducted pursuant to testing requirements in this permit must be conducted in accordance with IDAPA 58.01.01.157. Such testing shall not be conducted on weekends or state holidays unless the permittee obtains prior Department approval.

The permittee shall submit a proposed test date for **each** performance test required by this permit to the Department for approval at least 15 days prior to each respective test date (including each test date for periodic tests such as, for example, annual tests). The permittee shall promptly notify the Department of any change in the proposed test date and shall provide at least five working days advanced notice prior to conducting any re-scheduled test, unless the Department approves a shorter notice period.

Within 30 days of the date on which a performance test required by this permit is concluded, the permittee shall submit to the Department a performance test report for the respective test. The performance test report shall

Permittee: Double D Service Center  
Location: Meridian, Idaho

Date Issued: February 4, 2002  
Date Expires: February 4, 2007

### GENERAL PROVISIONS

include any and all process operating data required to be recorded during the test period as well as the test results, raw test data, and associated documentation.

The maximum allowable source operating rate shall be limited to 120 percent of the average operating rate attained during the most recent performance test conducted pursuant to this permit, for which a test protocol has been granted prior approval by the Department, which demonstrated compliance with the respective pollutant emission limit unless (1) a more restrictive operating limit is specified elsewhere in this permit or, (2) at such an operating rate, emissions would exceed any emission limit(s) set forth in this permit.

- J. The provisions of this permit are severable; if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.



**Air Pollution  
TIER II OPERATING PERMIT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: 001-00091

AQCR: 64

CLASS: SM

SIC: 2499

ZONE: 11

UTM COORDINATE (km): 548.67, 4828.22

**1. PERMITTEE**

Plum Creek Northwest Lumber, Inc.

**2. PROJECT**

Tier II Operating Permit - Northern Ada County PM<sub>10</sub> Maintenance Plan

**3. MAILING ADDRESS**

P.O. Box 674

**CITY**

Meridian

**STATE**

Idaho

**ZIP**

83642

**4. FACILITY CONTACT**

Mitchell Leu

**TITLE**

Environmental Engineer

**TELEPHONE**

(208) 288-3210

**5. RESPONSIBLE OFFICIAL**

Michael J. Covey *Bill Arrow*

**TITLE**

Senior Vice President *Bill Arrow*

**TELEPHONE**

(208) 288-3210

**6. EXACT PLANT LOCATION**

240 Taylor, Meridian

**COUNTY**

Ada

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Wood Products

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, Section 58.01.01.400 and pertains only to emissions of air contaminants which are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's (Department) technical analysis of the supplied information. Changes in design or equipment, which result in any change in the nature or amount of emissions, may be a modification. Modifications are subject to the Department review in accordance with Section 58.01.01.200 of the *Rules For the Control Of Air Pollution In Idaho*.

*[Signature]*  
ADMINISTRATOR, BOISE REGIONAL OFFICE  
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: July 12, 2002

~~DATE EXPIRES: July 12, 2007~~

REB MASP.TVMB.4005.480

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00091

PERMITTEE: PLUM CREEK NORTHWESTERN LUMBER, INC.  
LOCATION: MERIDIAN, IDAHO

DATE ISSUED: JULY 12, 2002  
~~DATE EXPIRES: JULY 12, 2007~~

## Cyclones, Bins, and Vehicle Traffic

### ~~4. EMISSION LIMITS~~

#### 1.1 Emission Limits

Particulate matter (PM) and particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) emissions from the cyclones, storage bins, and vehicle traffic shall not exceed the pounds per hour and the tons per any consecutive twelve month period limits listed in the Appendix of this permit.

#### ~~1.2 Opacity Limits~~

~~Emissions from the cyclones, or any other stack, vent, or functionally equivalent opening, shall not exceed 20 percent opacity for a period or periods aggregating more than three minutes in any 60-minute period as required by IDAPA 58.01.01.625 (Rules for the Control of Air Pollution in Idaho). Opacity shall be determined by the procedure contained in IDAPA 58.01.01.625.~~

#### 1.3 Visible Emission Limits

Visible emissions shall not be observed leaving the property boundary for a period or periods aggregating more than three minutes in any 60-minute period. Visible emissions shall be determined by EPA Reference Method 22, as described in 40 CFR 60, Appendix A, or Department-approved alternative method.

### ~~7. OPERATING REQUIREMENTS~~

#### ~~2.1 Operating Hours~~

~~2.1.1 The cyclones and storage bins shall be operating within their respective operating and maintenance (O&M) manual and their manufacturer's specifications any time their related process(es) is/are in operation.~~

2.1.2 The permittee shall not operate each cyclone more than 20 hours per any 24-hour period.

#### ~~2.2 Reasonable Control of Fugitive Emissions~~

~~All reasonable precautions shall be taken to prevent PM from becoming airborne as required in IDAPA 58.01.01.651. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:~~

~~2.2.1 Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands;~~

~~2.2.2 Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust;~~

~~2.2.3 Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations;~~

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00091**

PERMITTEE: PLUM CREEK NORTHWESTERN LUMBER, INC.  
LOCATION: MERIDIAN, IDAHO

DATE ISSUED: JULY 12, 2002  
DATE EXPIRES: JULY 12, 2007

**Cyclones, Bins, and Vehicle Traffic**

- ~~2.2.4~~ Covering, where practical, of open-bodied trucks transporting materials likely to give rise to airborne dusts;
- ~~2.2.5~~ Paving of roadways and their maintenance in a clean condition, where practical; or
- ~~2.2.6~~ Prompt removal of earth or other stored material from streets, where practical.

~~2~~ **MONITORING AND RECORDKEEPING REQUIREMENTS**

**3.1 Monitor Operation Parameters**

The permittee shall monitor and record the operational hours of each cyclone at the facility for each 24-hour period on a daily basis. The most recent five years' compilation of records shall be kept onsite, in a record, and shall be made available to Department representatives upon request.

~~2.2~~ **Operations and Maintenance Manual Requirements**

~~Within 60 days after startup, the permittee shall have developed an operations and maintenance (O&M) manual for each cyclone and storage bin that describes the procedures followed to comply with General Provision B of this permit and the manufacturer's air pollution control device specifications. This manual shall remain onsite at all times and shall be made available to Department representatives upon request.~~

~~4~~ **REPORTING REQUIREMENTS**

~~4.1~~ **Certification of Documents**

~~All documents submitted to the Department, including but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.~~

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00091

PERMITTEE: PLUM CREEK NORTHWESTERN LUMBER, INC.  
 LOCATION: MERIDIAN, IDAHO

DATE ISSUED: JULY 12, 2002  
~~DATE EXPIRES: JULY 12, 2007~~

## Appendix

### Appendix

#### Plum Creek Northwest Lumber, Inc.

#### Hourly (lb/hr)<sup>a</sup> and Annual<sup>b</sup> (T/yr)<sup>c</sup> Point Source Emissions Limits<sup>d</sup>

| SOURCE          | PM <sub>10</sub> <sup>e</sup> |      |
|-----------------|-------------------------------|------|
|                 | lb/hr                         | T/yr |
| Cyclones        | 7.6                           | 10.8 |
| Storage Bins    |                               | 1.0  |
| Vehicle Traffic |                               | 1.2  |
| Facility Totals | 8.74                          | 13.0 |

<sup>a</sup> Pound per hour

<sup>b</sup> As determined by a pollutant-specific U.S. EPA reference method, Department-approved alternative, or as determined by the Department emission estimation methods used in the permit application analysis.

<sup>c</sup> Tons per year

<sup>d</sup> As determined by multiplying the actual or allowable (if actual is not available) lb/hr emissions rate by the allowable hours per year that the process(es) may operate, or by actual annual production rates.

<sup>e</sup> PM<sub>10</sub> - particulate matter with an aerodynamic diameter of 10 microns or less.

AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00091

PERMITTEE: PLUM CREEK NORTHWEST LUMBER, INC  
LOCATION: MERIDIAN, IDAHO

DATE ISSUED: JULY 12, 2002  
DATE EXPIRES: JULY 12, 2007

GENERAL PROVISIONS

TIER II OPERATING PERMIT GENERAL PROVISIONS

- A. All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit, the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code 39-101 et. seq.
- B. The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C. The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
1. To enter upon the permittee's premises where an emissions source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  2. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emissions testing (i.e., performance tests) in conformance with state-approved or accepted EPA procedures when deemed appropriate by the Director.
- D. Except for data determined to be confidential under Section 9-342A, *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department of Environmental Quality.
- E. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- F. In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G. This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.
- H. The Director may require the permittee to develop a list of Operation and Maintenance Procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I. Performance tests (i.e., air emissions source tests) conducted pursuant to testing requirements in this permit must be conducted in accordance with IDAPA 58.01.01.157. Such testing shall not be conducted on weekends or state holidays unless the permittee obtains prior Department approval.

The permittee shall submit a proposed test date for each performance test required by this permit to the Department for approval at least fifteen (15) days prior to each respective test date (including each test date for periodic tests such as, for example, annual tests). The permittee shall promptly notify the Department of any change in the proposed test date and shall provide at least five (5) working days advance notice prior to conducting any re-scheduled test, unless the Department approves a shorter notice period.

Within thirty (30) days of the date on which a performance test required by this permit is concluded, the permittee shall submit to the Department a performance test report for the respective test. The performance test report

AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00091

PERMITEE: PLUM CREEK NORTHWEST LUMBER, INC.  
LOCATION: MERIDIAN, IDAHO

DATE ISSUED: JULY 12, 2002  
~~DATE EXPIRES: JULY 12, 2007~~

GENERAL PROVISIONS

~~shall include any and all process operating data required to be recorded during the test period as well as the test results, raw test data, and associated documentation.~~

~~The maximum allowable source operating rate shall be limited to 120% of the average operating rate attained during the most recent performance test conducted pursuant to this permit, for which a test protocol has been granted prior approval by the Department, which demonstrated compliance with the respective pollutant emissions limit unless; (1) a more restrictive operating limit is specified elsewhere in this permit or; (2) at such an operating rate, emissions would exceed any emissions limit(s) set forth in this permit.~~

- J. ~~The provisions of this permit are severable; and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.~~





**Air Quality  
TIER II OPERATING PERMIT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: T2-000033

AIRS FACILITY NO.: 001-00019

AQCR: 64

CLASS: SM

SIC: 1142

ZONE: 11

UTM COORDINATE (km): 544.0, 4826.0

**1. PERMITTEE**

C. Wright Construction, Inc.

**2. PROJECT**

Tier II Operating Permit -- Northern Ada County PM<sub>10</sub> Maintenance Plan

**3. MAILING ADDRESS**

1320 South Black Cat Road

**CITY**

Meridian

**STATE**

ID

**ZIP**

83642

**4. FACILITY CONTACT**

Tim Wright

**TITLE**

President

**TELEPHONE**

(208) 888-1307

**5. RESPONSIBLE OFFICIAL**

Tim Wright

**TITLE**

President

**TELEPHONE**

(208) 888-1307

**6. EXACT PLANT LOCATION**

1320 South Black Cat Road

**COUNTY**

Ada

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Sand, gravel, and crushed stone production and hot-mix asphalt

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.400, and pertains only to emissions of air contaminants regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's technical analysis of the supplied information. Changes in design or equipment that result in any change in the nature or amount of emissions may be considered a modification. Modifications are subject to Department review in accordance with Section 58.01.01.200 of the *Rules for the Control of Air Pollution in Idaho*.

Q. STEPHEN ALLRED, DIRECTOR  
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: July 8, 2003

DATE EXPIRES: ~~July 8, 2008~~

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## Acronyms, Units, and Chemical Nomenclature

|                            |   |
|----------------------------|---|
| <del>acfm</del>            | <del>actual cubic foot per minute</del>   |
| <del>AIRS</del>            | <del>Aerometric Information Retrieval System</del>  |
| <del>AQCR</del>            | <del>Air Quality Control Region</del>   |
| <del>CO</del>              | <del>carbon dioxide</del>   |
| <del>CFR</del>             | <del>Code of Federal Regulations</del>  |
| <del>Department</del>      | <del>Department of Environmental Quality</del>  |
| <del>dscf</del>            | <del>dry standard cubic foot</del>  |
| <del>EPA</del>             | <del>U.S. Environmental Protection Agency</del>   |
| <del>°F</del>              | <del>degrees Fahrenheit</del>   |
| <del>ft</del>              | <del>foot</del>   |
| <del>gr</del>              | <del>grain (1 lb = 7,000 grains)</del>  |
| <del>gr/dscf</del>         | <del>grains per dry standard cubic foot</del>   |
| <del>IDAPA</del>           | <del>a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act</del> |
| <del>in</del>              | <del>inches</del>   |
| <del>km</del>              | <del>kilometers</del>   |
| <del>lb/hr</del>           | <del>pound per hour</del>   |
| <del>NO<sub>x</sub></del>  | <del>nitrogen oxides</del>  |
| <del>NSPS</del>            | <del>New Source Performance Standards</del>   |
| <del>PERF</del>            | <del>Portable Equipment Relocation Form</del>   |
| <del>PM</del>              | <del>particulate matter</del>   |
| <del>PM<sub>10</sub></del> | <del>particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers</del>                                       |
| <del>SIC</del>             | <del>Standard Industrial Classification</del>   |
| <del>SM</del>              | <del>synthetic minor</del>  |
| <del>SO<sub>2</sub></del>  | <del>sulfur dioxide</del>   |
| <del>T/hr</del>            | <del>tons per hour</del>  |
| <del>T/yr</del>            | <del>tons per year</del>  |
| <del>UTM</del>             | <del>Universal Transverse Mercator</del>  |
| <del>VOC</del>             | <del>volatile organic compound</del>  |

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033

|            |                             |                             |               |              |
|------------|-----------------------------|-----------------------------|---------------|--------------|
| Permittee: | C. Wright Construction, Inc | AIRS Facility No. 001-00019 | Date Issued:  | July 8, 2003 |
| Location:  | Meridian, Idaho             |                             | Date Expires: | July 8, 2008 |

## 1 TIER II OPERATING PERMIT SCOPE

### Purpose

~~1.1 The purpose of this permit is to limit PM<sub>10</sub> emissions from this facility as part of the Northern Ada County PM<sub>10</sub> Maintenance Plan.~~

~~1.2 This permit is the facility's initial air quality permit.~~

### Regulated Sources

~~4.3 Table 1.1 lists all sources regulated in this permit.~~

Table 1.1 SUMMARY OF REGULATED SOURCES

| <u>Permit Section</u> | <u>Source Description</u>  | <u>Emissions Control</u>  |
|-----------------------|--|---|
| <del>4</del>          | <del>Hot-mix Asphalt plant<br/>Manufacturer: Barber Green<br/>Manufacture Date: 1958<br/>Rated capacity: 106 T/hr<br/>Stack diameter: 24 in x 27 in<br/>Stack height: 42 ft<br/>Exhaust stack operating temperature: 155°F<br/>Exhaust gas flow rate: 18,300 acfm<br/>Fuel type: natural gas</del> | <del>Wet Scrubber<br/>Manufacturer: Unknown<br/>Efficiency: Unknown for PM<sub>10</sub></del> |
| <del>4</del>          | <del>Emissions associated with mined and processed river deposits</del>  | <del>Reasonable water application</del>   |

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033

|            |                             |                             |               |              |
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## 2. FACILITY-WIDE CONDITIONS

### ~~Fugitive Dust~~

- ~~2.1 All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of particulate matter. Some of the reasonable precautions include, but are not limited to, the following:~~
- ~~— Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land.~~
  - ~~— Application, where practical, of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust.~~
  - ~~— Installation and use, when practical, hoods, fans, and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.~~
  - ~~— Covering, where practical, of open bodied trucks transporting materials likely to give rise to airborne dusts.~~
  - ~~— Paving of roadways and their maintenance in a clean condition, where practical.~~
  - ~~— Prompt removal of earth or other stored material from streets, where practical.~~
- ~~2.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.~~
- ~~2.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receipt of a valid complaint. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~
- ~~2.4 The permittee shall conduct a weekly facility wide inspection of potential sources of fugitive emissions, during daylight hours and under normal operating conditions to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each weekly fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.~~
- 2.5 Fugitive emissions shall not be observed leaving the facility boundary for a period or periods aggregating more than three minutes in any 60-minute period. Visible emissions shall be determined by EPA Method 22, as described in 40 CFR 60, Appendix A, or a Department-approved alternative method.

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033**

|            |                             |                             |               |              |
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| Permittee: | C. Wright Construction, Inc | AIRS Facility No. 001-00019 | Date Issued:  | July 8, 2003 |
| Location:  | Meridian, Idaho             |                             | Date Expires: | July 8, 2008 |

**Odors**

- ~~2.6 In accordance with IDAPA 58.01.01.776, no person shall allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.~~
- ~~2.7 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date that each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~

**Visible Emissions**

- ~~2.8 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, nitrogen oxides and/or chlorine gas is the only reason(s) for the failure of the emission to comply with the requirements of this section.~~
- ~~2.9 The permittee shall conduct a weekly facility-wide inspection of potential sources of visible emissions, during daylight hours and under normal operating conditions. The visible emissions inspection shall consist of a see/no see evaluation for each potential source. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective action and report the exceedance in accordance with IDAPA 58.01.01.130-136. The permittee shall maintain records of the results of each weekly visible emissions inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.~~

**Excess Emissions**

- ~~2.10 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets and breakdowns.~~

**Open Burning**

- ~~2.11 The permittee shall comply with the requirements of the Rules for Control of Open Burning, IDAPA 58.01.01.688-646.~~

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033**

|                   |                             |                                    |                      |              |
|-------------------|-----------------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | C. Wright Construction, Inc | <b>AIRS Facility No.</b> 001-00019 | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Meridian, Idaho             |                                    | <b>Date Expires:</b> | July 8, 2008 |

**Performance Testing**

~~2.12 If testing is required, the permittee shall use the test methods listed in Table 2.2 to measure the pollutant emissions.~~

**Table 2.2 FACILITY-WIDE TEST METHODS**

| Pollutant                 | Test Method                          | Special Conditions  |
|---------------------------|--------------------------------------|---|
| PM <sub>10</sub>          | EPA Method 201.a, and EPA Method 202 |   |
| <del>PM</del>             | <del>EPA Method 5</del>              |   |
| <del>NO<sub>x</sub></del> | <del>EPA Method 7</del>              |   |
| <del>SO<sub>2</sub></del> | <del>EPA Method 6</del>              |   |
| <del>CO</del>             | <del>EPA Method 10</del>             |   |
| <del>VOC</del>            | <del>EPA Method 25</del>             |   |
| <del>Opacity</del>        | <del>EPA Method 9</del>              | <del>If NEPS, IDAPA 58.01.01.825 and Method 9, otherwise, IDAPA 58.01.01.025 only</del> |

\* Or Department-approved alternative in accordance with IDAPA 58.01.01.157.

**Air Stagnation Advisory Days**

~~2.13 The permittee shall comply with the Air Pollution Emergency Rules in accordance with IDAPA 58.01.01.550-562.~~

**Monitoring and Recordkeeping**

2.14 The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this operating permit. Records of monitoring information shall include, but not be limited to the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to Department representatives upon request.

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033**

|            |                             |                             |                          |                         |
|------------|-----------------------------|-----------------------------|--------------------------|-------------------------|
| Permittee: | C. Wright Construction, Inc | AIRS Facility No. 001-00019 | Date Issued:             | July 8, 2003            |
| Location:  | Meridian, Idaho             |                             | <del>Date Expires:</del> | <del>July 8, 2006</del> |

**Reports and Certifications**

~~2.15. Any reporting required by this permit, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete. Any reporting required by this permit shall be submitted to the following:~~

~~Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, ID 83706~~

~~At least 10 days prior to relocating any equipment covered by this permit, the permittee shall register all existing portable equipment using the Department's Portable Equipment Registration and Relocation Form (PERF) available on the Department's Website at [www.state.id.us/deq/air/equip reloc.htm](http://www.state.id.us/deq/air/equip reloc.htm). Each PERF, along with a scaled plot plan of the relocation site, shall be mailed to the following address:~~

~~PERF Processing Unit  
Idaho DEQ, Air Quality  
1440 N. Hilton  
Boise, ID 83706-1255~~

**Obligation to Comply**

~~2.16. Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state, and federal rules and regulations.~~

**Fuel-burning Equipment**

~~2.17. The permittee shall not discharge to the atmosphere from any fuel-burning equipment PM in excess of 0.045 g/dscf of effluent gas corrected to 3% oxygen by volume for gas as required by IDAPA 58.04.04.676.~~



**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033**

|                   |                             |                                    |                      |                         |
|-------------------|-----------------------------|------------------------------------|----------------------|-------------------------|
| <b>Permittee:</b> | C. Wright Construction, Inc | <b>AIRS Facility No.</b> 001-00019 | <b>Date Issued:</b>  | July 8, 2003            |
| <b>Location:</b>  | Meridian, Idaho             |                                    | <b>Date Expires:</b> | <del>July 8, 2008</del> |

### 3. HOT - MIX ASPHALT PLANT

#### 3.1 Process Description

~~A hot-mix asphalt plant combines dried aggregates and hot oil to produce asphaltic concrete.~~

#### 3.2 Control Description

~~This hot-mix asphalt plant's emissions are controlled by a wet scrubber.~~

~~Table 3.1 HOT MIX ASPHALT PLANT~~

| <del>Emissions Unit(s) / Process(es)</del> | <del>Emissions Control Device(s)</del> | <del>Emissions Point(s)</del>    |
|--|--|----------------------------------|
| <del>Hot-mix asphalt plant</del>           | <del>Wet scrubber</del>                | <del>Scrubber stack outlet</del> |

#### Emissions Limits

##### 3.3 Emission Limits

PM<sub>10</sub> emissions from the hot-mix asphalt plant's scrubber stack shall not exceed any corresponding emission rate limit listed in Tables 3.2 and 5.1 of this permit.

**Table 3.2 EMISSIONS LIMITS**

| Source Description                     | PM <sub>10</sub> |      |
|--|------------------|------|
|  | Lb/hr            | T/yr |
| Hot-mix asphalt plant's scrubber stack | 4.86             | 1.14 |

#### Operating Requirements

##### 3.4 Production Rate

The asphalt production shall not exceed 50,000 tons for the most recent consecutive 12-month period.

##### 3.5 Operating Hours

The permittee shall only operate the hot-mix asphalt plant between the hours of 6:00 a.m. to 6:00 p.m.

##### 3.6 Thermometer Installation

The permittee shall install, operate, calibrate, and maintain a device to continuously measure the hot-mix asphalt plant's exhaust stack temperature while processing hot-mix asphalt.

##### 3.7 Exhaust Stack Operating Temperature

The exhaust stack operating temperature shall not exceed 155°F.

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|                   |                             |                                    |                      |              |
|-------------------|-----------------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | C. Wright Construction, Inc | <b>AIRS Facility No.</b> 001-00019 | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Meridian, Idaho             |                                    | <b>Date Expires:</b> | July 8, 2008 |

**3.8 Hot-Mix Asphalt Plant Burner Fuel**

The permittee shall combust natural gas exclusively in the hot-mix asphalt plant's burner.

**~~3.9 O & M Manual~~**

~~Within 60 days after issuance of this permit, the permittee shall have developed an O&M manual for the wet scrubber that describes the procedures followed to comply with Tier II General Provision 7.2 of this permit. This manual shall remain onsite at all times and shall be made available to Department representatives upon request.~~

**Monitoring and Recordkeeping Requirements**

**3.10** The permittee shall monitor and record the following information:

- The amount of asphalt produced monthly and annually. Monthly production shall be summed for the previous consecutive 12-month period to demonstrate compliance with Permit Condition 3.4.
- Startup and shutdown of the hot-mix asphalt plant each day the plant operates to demonstrate compliance with Permit Condition 3.5.
- The exhaust stack operating temperature once per hour each day the plant operates to demonstrate compliance with Permit Condition 3.7.

These records shall be maintained in accordance with Permit Condition 2.14.

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033

|            |                             |                             |               |              |
|------------|-----------------------------|-----------------------------|---------------|--------------|
| Permittee: | C. Wright Construction, Inc | AIRS Facility No. 001-00019 | Date Issued:  | July 8, 2003 |
| Location:  | Meridian, Idaho             |                             | Date Expires: | July 8, 2008 |

## 4. ASSOCIATED PROCESS EMISSIONS

~~4.1 PM<sub>10</sub> emissions result from mining and/or crushing aggregate. The processes involved in mining and/or crushing activities include, but are not limited to, the following: loading, crushing, screening, transferring, stockpiling, and vehicle traffic on paved and unpaved roads.~~

~~Table 4.4 Associated process emissions.~~

| <del>Process</del>                      | <del>Emissions Control Device</del> | <del>Emissions Point</del> |
|---|-------------------------------------|----------------------------|
| <del>Associated process emissions</del> | <del>Reasonable control</del>       | <del>NA</del>              |

## Emissions Limits

### 4.2 Emission Limits

PM<sub>10</sub> emissions from sand and gravel transfers, crushers, screens, vehicle traffic and associated processes shall not exceed 31 tons per any consecutive 12-month period.

## Operating Requirements

### 4.3 Sand and Gravel Mining

River deposits that are mined shall not exceed 729,000 tons for the most recent consecutive 12-month period.

### 4.4 Processed Material

River deposits that are processed (crushed, screened, transferred, and etc) shall not exceed 461,000 tons for the most recent consecutive 12 month period.

### ~~4.5 NSPS Affected Crusher Opacity Limit~~

~~PM emissions from any NSPS affected crusher shall not exhibit greater than 15% opacity as required by 40 CFR 60, Subpart 600. Opacity shall be determined using the procedures specified in IDAPA 58.01.01.625.~~

### ~~4.6 NSPS Affected Transfer Point on Belt Conveyor or any Other Affected Facility Opacity Limit~~

~~PM emissions from any NSPS affected transfer point on belt conveyors, or from each grinding mill, screening operation, bucket elevator, belt conveyor bagging operation, storage bin, enclosed truck, or rail car loading, shall not exhibit greater than 10% opacity as required by 40 CFR 60, Subpart 600. Opacity shall be determined using procedures specified in IDAPA 58.01.01.625.~~

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033**

|            |                             |                             |                          |                         |
|------------|-----------------------------|-----------------------------|--------------------------|-------------------------|
| Permittee: | C. Wright Construction, Inc | AIRS Facility No. 001-00019 | Date Issued:             | July 8, 2003            |
| Location:  | Meridian, Idaho             |                             | <del>Date Expires:</del> | <del>July 8, 2008</del> |

**~~Monitoring and Recordkeeping Requirements~~**

4.7 The permittee shall monitor and record the following information:

- The total amount of river deposits mined monthly and annually. Monthly throughput shall be summed over the previous consecutive 12-month period to demonstrate compliance with Permit Condition 4.3. The total amount of river deposits mined means the amount that is mined for use by the permittee plus the amount that is mined and sold to the general public, contractors, etc.
- The total amount of river deposits processed by the permittee monthly and annually. Monthly throughput shall be summed over the previous consecutive 12-month period to demonstrate compliance with Permit Condition 4.4.

These records shall be maintained in accordance with Permit Condition 2.14.

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033**

|                   |                             |                                    |                      |              |
|-------------------|-----------------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | C. Wright Construction, Inc | <b>AIRS Facility No. 001-00019</b> | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Meridian, Idaho             |                                    | <b>Date Expires:</b> | July 8, 2008 |

## 5. SUMMARY OF EMISSION RATE LIMITS

Table 5.1 provides a summary of all emission rate limits required by this permit.

**Table 5.1 SUMMARY OF EMISSION RATE LIMITS**

| <b>C. Wright Construction Meridian<br/>Emission Limits - Hourly (lb/hr) and Annual (t/yr)</b>  |   |  |
|--|---|--|
| <b>Source Description</b>  | <b>Hourly PM<sub>10</sub> Emissions<br/>(lb/hr)</b> | <b>Annual PM<sub>10</sub> Emissions<br/>(t/yr)</b> |
| Asphalt Plant  | 4.84  | 1.14   |
| All associated process emissions<br>(fugitives included)   | NA  | 31   |
| <p>* As determined by a pollutant-specific EPA reference method, a Department-approved alternative, or as determined by the Department's emissions estimation methods used in this permit analysis.</p> <p>* As determined by multiplying the actual or allowable (if actual is not available) pound per hour emission rate by the allowable hours per year that the process(es) may operate(s), or by actual annual production rates.</p> <p>* Includes condensibles.</p> |   |  |

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033**

|                   |                             |                                    |                      |              |
|-------------------|-----------------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | C. Wright Construction, Inc | <b>AIRS Facility No.</b> 001-00019 | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Meridian, Idaho             |                                    | <b>Date Expires:</b> | July 8, 2008 |

**~~6. FACILITY WIDE EMISSIONS INVENTORY~~**

~~Table 6.1 provides a summary of the emissions inventory of the facility based on uncontrolled potential to emit. The emissions inventory table is provided for informational purposes only.~~

~~Table 6.1 SUMMARY OF EMISSIONS INVENTORY~~

| <del>C. Wright Construction, Meridian<br/>Emission Limits - Hourly (lb/hr) and Annual (Tpyr)</del>   |   |  |
|--|---|--|
| <del>Source Description</del>  | <del>Hourly PM<sub>10</sub> Emissions<br/>(lb/hr)</del> | <del>Annual PM<sub>10</sub> Emissions<br/>(Tpyr)</del> |
| <del>Asphalt Driveway</del>  | <del>1.81</del>   | <del>24.2</del>  |
| <del>All associated process emissions<br/>(fugitives included)</del>   | <del>N/A</del>  | <del>158.2</del>                                       |
| <del>* As determined by a pollutant-specific EPA reference method, a Department-approved alternative, or as determined by the Department's emissions estimation methods used in this permit analysis.</del><br><del>* As determined by multiplying the actual or allowable (if actual is not available) pound per hour emission rate by the allowable hours per year that the process(es) may operate(s), or by actual annual production rates.</del><br><del>* Includes condensibles.</del> |   |  |

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-000033**

|                   |                             |                                    |                      |              |
|-------------------|-----------------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | C. Wright Construction, Inc | <b>AIRS Facility No.</b> 001-00019 | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Meridian, Idaho             |                                    | <b>Date Expires:</b> | July 8, 2008 |

**TIER II PERMIT GENERAL PROVISIONS**

- 7.1 All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- 7.2 The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- 7.3 The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- To enter upon the permittee's premises where an emissions source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  - At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emissions testing (i.e., performance tests) in conformance with state-approved or accepted EPA procedures when deemed appropriate by the Director.
- 7.4 Except for data determined to be confidential under Section 9-342A *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department of Environmental Quality.
- 7.5 Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- 7.6 In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter; a copy of which shall be forwarded to the Director.
- 7.7 This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 60 days after receipt of the Director's request shall cause the permit to become void.
- 7.8 The Director may require the permittee to develop a list of operation and maintenance procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- 7.9 The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.



**Air Quality  
TIER II OPERATING PERMIT  
and  
PERMIT TO CONSTRUCT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: T2-020029

AIRS FACILITY NO.: 777-00226

CLASS: B

SIC: 1442

UTM COORDINATE (km): PORTABLE

**1. PERMITTEE**

Nelson Construction Co.

**2. PROJECT**

Tier II Operating Permit and Permit to Construct

**3. MAILING ADDRESS**

P.O. Box 16550

**CITY**

Boise

**STATE**

ID

**ZIP**

83715

**4. FACILITY CONTACT**

Bob Potts

**TITLE**

Production Manager

**TELEPHONE**

(208) 343-3051

**5. RESPONSIBLE OFFICIAL**

Bob Potts

**TITLE**

Production Manager

**TELEPHONE**

(208) 343-3051

**6. EXACT PLANT LOCATION**

Portable

**COUNTY**

Ada

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Aggregate crushing

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.400-470 and IDAPA 58.01.01.200-228. This permit pertains only to emissions of air contaminants, which are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit. Only the terms and conditions pertaining to Tier II operating permit requirements are subject to the expiration date of this permit.

This permit is not transferable to another person, place, or piece or set of equipment. This permit will expire if construction has not yet begun within two years of its issue date or if construction is suspended for one year.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's technical analysis of the supplied information. Changes in design or equipment that result in any change in the nature or amount of emissions may be considered a modification. Modifications are subject to Department review in accordance with IDAPA 58.01.01.200 et seq.

STEPHEN ALLRED, DIRECTOR  
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: July 21, 2003

DATE EXPIRES: July 21, 2008



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## LIST OF ACRONYMS

|                  |  |
|------------------|--|
| ASTM             | American Society for Testing and Materials   |
| CFR              | Code of Federal Regulations  |
| Department       | Department of Environmental Quality  |
| dscf             | dry standard cubic feet  |
| EPA              | U.S. Environmental Protection Agency   |
| gr               | grain (1 lb = 7,000 grains)  |
| IDAPA            | a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act |
| lb/hr            | pound per hour   |
| NO <sub>x</sub>  | nitrogen oxides  |
| O&M              | Operations and Maintenance   |
| PM               | particulate matter   |
| PM <sub>10</sub> | particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers                                       |
| PTC              | percent to construct   |
| SIC              | Standard Industrial Classification   |
| T/yr             | tons per year  |

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029

|            |               |                             |               |               |
|------------|---------------|-----------------------------|---------------|---------------|
| Permittee: | Nelson Const. | AIRS Facility No. 777-00226 | Date Issued:  | July 21, 2003 |
| Location:  | Portable      |                             | Date Expires: | July 21, 2008 |

## 1. ~~PERMIT SCOPE~~

### ~~Purpose~~

~~1.1 The purpose of this permit is to limit PM<sub>10</sub> emissions from this facility as part of the Northern Ada County PM<sub>10</sub> Maintenance Plan.~~

~~1.2 This Tier II operating permit and permit to construct incorporates the following permit:~~

~~PTC No. 777-00226, issued October 15, 1998~~

### ~~Regulated Sources~~

~~1.3 Table 1.1 below lists all sources of emissions that are regulated in this permit.~~

~~Table 1.1 Sources Of Emissions~~

| Permit Section | Source Description   | Emissions Control(s)          |
|----------------|--|-------------------------------|
| <del>2</del>   | <del>All associated fugitive emissions from sand and aggregate transfers, crusher and screen decks, paved and unpaved haul roads, and wind erosion of stockpiles</del> | <del>Reasonable control</del> |
| <del>4</del>   | <del>Generator</del>   | <del>None</del>               |

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029

|            |               |                             |               |               |
|------------|---------------|-----------------------------|---------------|---------------|
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## 2. FACILITY-WIDE CONDITIONS

The following table contains a summary of requirements that apply generally to emissions units at the facility.

Table 2.1 SUMMARY OF REQUIREMENTS

| Permit Condition | Parameter                          | Permit Limit/Standard Summary   | Applicable Requirements Reference | Monitoring & Recordkeeping Requirements |
|------------------|------------------------------------|---|-----------------------------------|---|
| <del>2.4</del>   | <del>Fugitive dust</del>           | <del>Reasonable control</del>   | <del>IDAPA 58.04.04.650-651</del> | <del>2.2, 2.3, 2.4</del>                |
| <del>2.5</del>   | <del>Odors</del>                   | <del>Reasonable control</del>   | <del>IDAPA 58.04.01.775-776</del> | <del>2.9</del>                          |
| <del>2.7</del>   | <del>Visible emissions</del>       | <del>20% opacity for no more than three minutes in any 60 minute period</del> | <del>IDAPA 58.04.04.028</del>     | <del>2.9, 2.12</del>                    |
| <del>2.8</del>   | <del>Excess emissions</del>        | <del>Compliance with IDAPA 58.04.04.100-106</del>                             | <del>IDAPA 58.04.04.130</del>     | <del>2.9, 2.12</del>                    |
| <del>2.13</del>  | <del>Open burning</del>            | <del>Compliance with IDAPA 58.04.04.000-010</del>                             | <del>IDAPA 58.04.01.000-010</del> | <del>2.12</del>                         |
| <del>2.14</del>  | <del>Drain loading</del>           | <del>Compliance with IDAPA 58.04.04.070-077</del>                             | <del>IDAPA 58.04.01.070-077</del> | <del>2.7, 2.12</del>                    |
| <del>2.17</del>  | <del>Petroleum bulk contents</del> | <del>Compliance with IDAPA 58.04.04.100</del>                                 | <del>IDAPA 58.04.04.100</del>     | <del>2.12</del>                         |

### Fugitive Emissions

2.1 All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.04.04.650-651. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:

- Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands.
- Application, where practical, of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, material, stockpiles, and other surfaces which can create dust.
- Installation and use, where practical, of hoods, fans, and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
- Covering, where practical, of open bodied trucks transporting materials likely to give rise to airborne dusts.
- Paving of roadways and their maintenance in a clean condition, where practical.
- Prompt removal of earth or other stored material from streets, where practical.

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029

|            |               |                             |               |               |
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| Location:  | Portable      |                             | Date Expires: | July 21, 2008 |

- ~~2.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.~~
- ~~2.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receipt of a valid complaint. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~
- ~~2.4 The permittee shall conduct a weekly facility wide inspection of potential sources of fugitive emissions during daylight hours and under normal operating conditions to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each weekly fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.~~

## ~~Odors~~

- ~~2.5 No person shall allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.~~
- ~~2.6 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~

## ~~Visible Emissions~~

- ~~2.7 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, nitrogen oxides, and/or chlorine gas is the only reason(s) for the failure of the emission to comply with the requirements of this section.~~
- ~~2.8 The permittee shall conduct a weekly facility wide inspection of visible emissions during daylight hours and under normal operating conditions. The visible emissions inspection shall consist of a see/no see evaluation. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, employ a progressive control strategy or strategies to mitigate the visible emissions, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. If a Method 9 opacity test is required, a minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective action and report the exceedance in its annual compliance certification and in accordance with IDAPA 58.01.01.130-136. Monitoring required to demonstrate compliance with Permit Condition 2.8 shall be conducted in accordance with Permit Condition 2.12.~~

## ~~Excess Emissions~~

- ~~2.9 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets, and breakdowns.~~

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029

|            |               |                             |               |               |
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| Permittee: | Nelson Const. | AIRS Facility No. 777-00226 | Date Issued:  | July 21, 2003 |
| Location:  | Portable      |                             | Date Expires: | July 21, 2006 |

## ~~Reports and Certifications~~

~~2.10 Any reporting required by this permit, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete. Any reporting required by this permit shall be submitted to the following address:~~

~~Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, ID 83706~~

~~Any reporting required for New Source Performance Standards shall also be submitted to the EPA at the following address:~~

~~EPA Region 10  
Air Operating Permits, OAQ-107  
1200 Sixth Ave.  
Seattle, WA 98101~~

## ~~Air Stagnation Advisory Days~~

~~2.11 The permittee shall comply with the Air Pollution Emergency Rule in IDAPA 58.04.01.550-562.~~

## ~~Monitoring and Recordkeeping~~

2.12 The permittee shall maintain sufficient recordkeeping to ensure compliance with all the terms and conditions of this operating permit. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to Department representatives upon request.

## ~~Open Burning~~

~~2.13 The permittee shall comply with the requirements of IDAPA 58.04.01.600-640, Rules for Control of Open Burning.~~

## ~~Fuel-burning Equipment~~

2.14 The permittee shall not discharge to the atmosphere from any fuel-burning equipment PM in excess of 0.015 gr/dscf of effluent gas corrected to 3% oxygen by volume for gas, 0.050 gr/dscf of effluent gas corrected to 3% oxygen by volume for liquid, 0.050 gr/dscf of effluent gas corrected to 8% oxygen by volume for coal, and 0.080 gr/dscf of effluent gas corrected to 8% oxygen by volume for wood products.

## ~~Obligation to Comply~~

~~2.15 Receiving a permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state, and federal rules and regulations.~~

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029

|            |               |                             |                          |                          |
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| Location:  | Portable      |                             | <del>Date Expired:</del> | <del>July 21, 2008</del> |

## ~~Sulfur Content~~

~~2.16 No person shall sell, distribute, use, or make available for use any distillate fuel oil containing more than the following percentages of sulfur:~~

- ~~• ASTM Grade No. 1 fuel oil - 0.3% by weight.~~
- ~~• ASTM Grade No. 2 fuel oil - 0.5% by weight.~~

## ~~Relocation~~

~~2.17 At least 10 days prior to relocating any equipment covered by this permit, the permittee shall register all existing portable equipment using the Department's Portable Equipment Registration and Relocation Form (PERF) available on the Department's Website at [www.state.id.us/deq/air/equipregister.htm](http://www.state.id.us/deq/air/equipregister.htm). Each PERF, along with a scaled plot plan of the relocation site, shall be mailed to the following address:~~

~~PERF Processing Unit  
Idaho DEQ - Air Quality  
1440 N. Hiltien  
Boise, ID 83706-1256~~

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029

|            |               |                             |               |               |
|------------|---------------|-----------------------------|---------------|---------------|
| Permittee: | Nelson Const. | AIRS Facility No. 777-00226 | Date Issued:  | July 21, 2003 |
| Location:  | Portable      |                             | Date Expires: | July 21, 2008 |

## 3. ROCK-CRUSHING PLANT

### ~~3.1 Process Description~~

~~Rock crushing plants reduce the size of aggregate for various industrial and commercial purposes. Emissions from this rock crushing plant are limited to meet the requirements of the Northern Ada County PM<sub>10</sub> Maintenance Plan.~~

### ~~3.2 Control Description~~

~~The permittee is required to reasonably control fugitive dust at all times. Some methods that may be used to reasonably control fugitive emissions are listed in Permit Condition 2.1.~~

## Emissions Limits

### 3.3 Emissions Limits

The PM<sub>10</sub> emissions from the processes associated in the production of crushed material shall not exceed any corresponding emissions rate limits listed in the appendix of this permit.

[PTC No. 777-00226, 10/15/98]

## Operating Requirements

### 3.4 Throughput Limits

The maximum annual quantity of material entering the initial crusher shall not exceed 2,080,000 tons per any consecutive 12-month period.

### ~~3.5 Opacity Limit~~

~~Emissions emanating from any stack, vent, or other functionally equivalent opening, shall not exceed 20% opacity for a period or periods aggregating more than three minutes in any 60 minute period as required in IDAPA 58.01.01.625. Opacity shall be determined using the procedures contained in IDAPA 58.01.01.625.~~

### 3.6 Crusher Opacity Limit

The fugitive emissions from portable rock crushers shall not exhibit more than 15% opacity. Opacity shall be determined using the procedures specified in IDAPA 57.01.01.625.

[PTC No. 777-00226, 10/15/98]

### 3.7 Transfer Point Opacity Limit

The fugitive emissions from any transfer point on belt conveyors, from each grinding mill, screening operation bucket elevator, belt conveyor bagging operation, storage bin, enclosed truck, or rail car loading, shall not exhibit greater than 10% opacity. Opacity shall be determined using the procedures specified in IDAPA 58.01.01.625.

[PTC No. 777-00226, 10/15/98]

### ~~3.8 Paved and Unpaved Roads Opacity Limit~~

~~Fugitive dust emissions from vehicle traffic on any paved or unpaved haul road associated with the rock crushing plant regulated by this permit shall be controlled by water, an environmentally safe chemical soil stabilizer, or equivalent. Control strategies shall be employed whenever visible emissions are observed crossing the permitted facility boundary, as determined using Method 22.~~



**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029**

|            |               |                             |                          |                          |
|------------|---------------|-----------------------------|--------------------------|--------------------------|
| Permittee: | Nelson Const. | AIRS Facility No. 777-00226 | Date Issued:             | July 21, 2003            |
| Location:  | Portable      |                             | <del>Date Expires:</del> | <del>July 21, 2008</del> |

**3.9 Number of Crushers and Generators**

This crushing facility may operate as a three-or four-crusher facility. The facility shall operate with only one 1250-kilowatt generator.

~~[PTC No. 777-00226, 10/15/98]~~

**3.10 Control Strategy**

Visible emissions are a trigger that requires initiation of a strategy or strategies to control fugitive dust emission from associated processes involved in the production of crushed material. Visible emissions from any of the associated processes not specifically regulated by this permit shall not exceed 20% opacity for a period or periods aggregating more than one minute in any 60-minute period. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

**Monitoring and Recordkeeping Requirements****3.11 Throughput Monitoring**

The permittee shall monitor and record the amount material entering the initial crusher each month and for the most recent 12-month period.

~~[PTC No. 777-00226, 10/15/98]~~

**3.12 Emissions Monitoring**

The facility has the option of operating either as a four-or three-crusher facility. When the facility is operating as a four-crusher facility, the PM<sub>10</sub> emissions shall be determined by multiplying the throughput of material passing through the initial crusher by the emission factor of 0.058 pounds of PM<sub>10</sub> emissions per ton of material throughput. When the facility is operating as a three-crusher facility, the PM<sub>10</sub> emissions shall be determined by multiplying the throughput of material passing through the initial crusher by the emission factor of 0.037 pounds of PM<sub>10</sub> emissions per ton of material throughput. The summation of the PM<sub>10</sub> emissions of these two operational setups shall not exceed the associated limit stated in the appendix of this permit.

**3.13 ~~Operations and Maintenance Manual Requirements~~**

~~Within 60 days after the date this permit is issued, the permittee shall have developed an O&M manual for rock crushing facility which describes the methods that will be used to control fugitive dust emissions. The manual shall describe the procedures that will be followed to comply with General Provision 2. This manual shall remain onsite at all times and shall be made available to Department representatives upon request.~~

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029**

|            |               |                             |               |               |
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| Permittee: | Nelson Const. | AIRS Facility No. 777-00226 | Date Issued:  | July 21, 2003 |
| Location:  | Portable      |                             | Date Expires: | July 21, 2008 |

**4. GENERATOR****4.1 Process Description**

~~This rock crushing plant includes a 1250 kilowatt diesel fuel-fired generator that provides electrical power when line power is unavailable.~~

**4.2 Control Description**

~~Generator emissions are uncontrolled.~~

**~~Emissions Limits~~****4.3 Emissions Limits**

The NO<sub>x</sub> emissions from the generator shall not exceed any corresponding emissions rate limits listed in the appendix of this permit.

**Operating Requirements****4.4 Nonattainment Generator Monitoring**

When operating in a PM<sub>10</sub> nonattainment area as a four-crusher facility, the plant shall not operate more than 6301 hours per year.

~~[PTC No. 777-00226, 10/15/08]~~

When operating in a PM<sub>10</sub> nonattainment area as a three-crusher facility, the plant shall not exceed 8535 hours per year.

**4.5 Generator Operation**

The generator shall only operate while the crusher facility is in operation.

**Monitoring and Recordkeeping Requirements****4.6 Generator Monitoring**

When operating in a PM<sub>10</sub> nonattainment area, the permittee shall monitor and record the generator operating hours to demonstrate compliance with Permit Condition 4.4.

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029**

|                   |               |                                    |                      |               |
|-------------------|---------------|------------------------------------|----------------------|---------------|
| <b>Permittee:</b> | Nelson Const. | <b>AIRS Facility No. 777-00226</b> | <b>Date Issued:</b>  | July 21, 2003 |
| <b>Location:</b>  | Portable      |                                    | <b>Date Expires:</b> | July 21, 2008 |

**5. APPENDIX**

**Table 5.1 EMISSION LIMITS**

| Nelson Construction Co.<br>Emission Limits <sup>a</sup> - Hourly (lb/hr), and Annual <sup>b</sup> (T/yr) |  |   |  |   |
|--|--|---|--|---|
| Source Description   | Hourly PM <sub>10</sub> <sup>c</sup><br>Emissions<br>(lb/hr) | Annual PM <sub>10</sub> <sup>c</sup><br>Emissions<br>(T/yr) | Hourly NO <sub>x</sub><br>Emissions<br>(lb/hr) | Annual NO <sub>x</sub><br>Emissions<br>(T/yr) |
| Generator  | 0.64   | 2   | 31.2   | 98.3  |
| All associated process<br>emissions (fugitives included)   | NA <sup>d</sup>  | 18  | NA   | NA  |

<sup>a</sup> As determined by a pollutant-specific EPA reference method, a Department-approved alternative, or as determined by the Department's emissions estimation methods used in this permit analysis.

<sup>b</sup> As determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the allowable hours per year that the process(es) may operate(s), or by actual annual production rates.

<sup>c</sup> Includes condensibles.

<sup>d</sup> NA Not applicable

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020029

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|------------|---------------|-----------------------------|---------------|---------------|
| Permittee: | Nelson Const. | AIRS Facility No. 777-00226 | Date Issued:  | July 21, 2003 |
| Location:  | Portable      |                             | Date Expires: | July 21, 2008 |

## 6. GENERAL PROVISIONS

1. All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code §39-101 et seq.
2. The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
3. The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
  - To enter upon the permittee's premises where an emissions source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  - At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emissions testing (i.e., performance tests) in conformance with state-approved or accepted EPA procedures when deemed appropriate by the Director.
4. Except for data determined to be confidential under Section 9-342A *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department of Environmental Quality.
5. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
6. In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter; a copy of which shall be forwarded to the Director.
7. This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 60 days after receipt of the Director's request shall cause the permit to become void.
8. The Director may require the permittee to develop a list of operation and maintenance procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
9. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.



**Air Pollution  
TIER II OPERATING PERMIT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: 001-00184

AQCR: 64

CLASS: SM

SIC: 1442

ZONE: 11

UTM COORDINATE (km): 554.95, 4835.356

**1. PERMITTEE**

Mike's Sand and Gravel

**2. PROJECT**

Tier II Operating Permit - Northern Ada County PM<sub>10</sub> Maintenance Plan

**3. MAILING ADDRESS**

20667 Franklin Road

**CITY**

Nampa

**STATE**

Idaho

**ZIP**

83687

**4. FACILITY CONTACT**

Mike Mulchay

**TITLE**

President

**TELEPHONE**

(208) 939-2000

**5. RESPONSIBLE OFFICIAL**

Mike Mulchay

**TITLE**

President

**TELEPHONE**

(208) 939-2000

**6. EXACT PLANT LOCATION**

2500 feet north of Joplin Road

**COUNTY**

Ada

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Gravel Mining, Crushing, Retail Sales

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, Section 58.01.01.400 and pertains only to emissions of air contaminants which are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's (Department) technical analysis of the supplied information. Changes in design or equipment, that result in any change in the nature or amount of emissions, may be a modification. Modifications are subject to the Department review in accordance with Section 58.01.01.200 of the *Rules for the Control of Air Pollution in Idaho*.

  
ADMINISTRATOR, BOISE REGIONAL OFFICE  
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: July 12, 2002

~~DATE EXPIRES: July 12, 2007~~

**SOURCE: Sand & Gravel Transfers, Crushers, Screens, Vehicle Traffic, and Associated Processes.**

**1. EMISSION LIMITS**

**1.1 Emissions Limits**

Particulate matter (PM), and particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers (PM<sub>10</sub>) emissions from the sand and gravel transfers, crushers, screens, vehicle traffic, and wind erosion (stockpiles), shall not exceed the pounds per hour (lb/hr) and the tons per any 12-month period (T/yr) limits listed in the Appendix.

**1.2 Opacity Limits**

~~Emissions from the sand and gravel transfers, crushers, screens, vehicle traffic, and associated processes, or any other stock, vent, or functionally equivalent opening, shall not exceed the limit required by New Source Performance Standards (NSPS) Part 60 Subpart OOO and IDAPA 58.01.04.625 (Rules for the Control of Air Pollution in Idaho). Opacity shall be determined by the procedures contained in NSPS Part 60 Subpart OOO and IDAPA 58.01.04.625.~~

**1.3 Visible Emission Limits**

Visible emissions shall not be observed leaving the property boundary for a period or periods aggregating more than three minutes in any 60-minute period. Visible emissions shall be determined by Environmental Protection Agency Reference Method 22 (as described in 40 CFR 60), the Appendix, or a Department-approved alternative method.

**2. OPERATING REQUIREMENTS**

**2.1 Operating Procedures**

~~The sand and gravel transfers, crushers, screens, and associated processes shall be operated according to the respective operation and maintenance (O&M) manual and manufacturer's specifications during the operation.~~

**2.2.1 Sand and Gravel Mining**

The material processed shall not exceed 600,000 tons per any consecutive 12-month period.

**2.2.2 Performance Testing**

~~The permittee shall have a performance test on the appropriate source(s) as stated in 40 CFR Part 60 Subpart OOO. A copy is located in the Appendix.~~

Permittee: Mike's Sand and Gravel  
Location: Nampa, Idaho

Date Issued: July 12, 2002  
Date Expires: July 12, 2007

SOURCE: Sand & Gravel Transfers, Crushers, Screens, Vehicle Traffic, and Associated Processes.

~~2.3~~ Reasonable Control of Fugitive Emissions

~~As required in IDAPA 58.01.01.661, all reasonable precautions shall be taken to prevent PM from becoming airborne. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM.~~

~~Some of the reasonable precautions include, but are not limited to, the following:~~

- ~~2.3.1 Using water or chemicals for controlling dust when demolishing existing buildings or structures, performing construction operations, grading roads, and clearing of lands;~~
- ~~2.3.2 Applying asphalt, water or suitable chemicals to, or covering dirt roads, material stockpiles, and other surfaces that can create dust;~~
- ~~2.3.3 Installing and using hoods, fans and fabric filters, or equivalent systems to enclose and vent the dusty materials. Adequate containment methods should be employed during sandblasting or other operations;~~
- ~~2.3.4 Covering open bodied trucks transporting materials likely to give rise to airborne dusts;~~
- ~~2.3.5 Paving of roadways and maintaining them in a clean condition; or~~
- ~~2.3.6 Promptly removing earth or other stored material from streets.~~

~~3.~~ MONITORING AND RECORDKEEPING REQUIREMENTS

3.1 Monitor Operation Parameters

The permittee shall monitor and record the amount of material processed on a consecutive 12-month basis. The most recent two years' compilation of records shall be kept onsite, in a record, and shall be made available to Department representatives upon request.

~~3.2~~ Operations and Maintenance (O&M) Manual Requirements

~~Within 60 days after permit issuance, the permittee shall have developed an O&M manual for the sand and gravel transfers, crushers, screens, vehicle traffic, and associated processes that describes the procedures followed to comply with General Provision D. This manual shall remain onsite at all times and shall be made available to Department representatives upon request.~~

~~3.3~~ New Source Performance Standards

~~The permittee shall perform all necessary recordkeeping that is applicable to the facility as stated within NPS Part 60 Subpart 600. A copy is located in the Appendix.~~

~~4.~~ REPORTING REQUIREMENTS

~~4.1~~ New Source Performance Standards

~~The permittee shall perform all necessary reporting that is applicable to the facility as stated within 40 CFR Part 60 Subpart 600. A copy is included in the Appendix.~~

SOURCE: Sand & Gravel Transfers, Crushers, Screens, Vehicle Traffic, and Associated Processes.

4.2 Certification of Documents

All documents submitted to the Department, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance verifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.



**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00184**

PERMITTEE: MIKE'S SAND AND GRAVEL  
 LOCATION: Nampa, IDAHO

DATE ISSUED: JULY 12, 2002  
~~DATE EXPIRES: JULY 12, 2007~~

**Appendix A**

**Appendix**

**Mike's Sand and Gravel**

**Hourly (lb/hr)<sup>b</sup> and Annual<sup>c</sup> (T/yr)<sup>d</sup> Point Source Emissions Limits<sup>a</sup>**

| SOURCE  | PM <sub>10</sub> <sup>e</sup> |      |
|---|-------------------------------|------|
|   | lb/hr                         | T/yr |
| Emissions from sand and gravel transfers, crushers, screens, vehicle traffic and associated processes | 12.32                         | 18.5 |

<sup>a</sup> As determined by a pollutant-specific U.S. EPA reference method, Department-approved alternative, or by the Department emission estimation methods used in the permit application analysis.

<sup>b</sup> Pound per hour

<sup>c</sup> As determined by multiplying the actual or allowable (if actual is not available) lb/hr emission rate by the allowable hours per year that the process(es) may operate, or by actual annual production rates.

<sup>d</sup> Tons per year

<sup>e</sup> Particulate matter with an aerodynamic diameter of 10 microns or less.

PERMITTEE: MIKE'S SAND AND GRAVEL  
LOCATION: NAMPA, IDAHO

DATE ISSUED: JULY 12, 2002  
DATE EXPIRES: JULY 12, 2007

## GENERAL PROVISIONS

### TIER II OPERATING PERMIT GENERAL PROVISIONS

- A. All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B. The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C. The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  - 2) At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emission testing (i.e., performance tests) in conformance with state approved or accepted Environmental Protection Agency (EPA) procedures when deemed appropriate by the Director.
- D. Except for data determined to be confidential under Section 9-342A, *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department.
- E. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- F. In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G. This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 60 days after receipt of the Director's request shall cause the permit to be voided.
- H. The Director may require the permittee to develop a list of O&M procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I. Performance tests (i.e., air emission source tests) conducted pursuant to testing requirements in this permit must be conducted in accordance with IDAPA 58.01.01.157. Such testing shall not be conducted on weekends or state holidays unless the permittee obtains prior Department approval.

The permittee shall submit a proposed test date for each performance test required by this permit to the Department for approval at least 15 days prior to each respective test date (including each test date for periodic tests such as, for example, annual tests). The permittee shall promptly notify the Department of any change in the proposed test date and shall provide at least five working days advanced notice prior to conducting any re-scheduled test, unless the Department approves a shorter notice period.

Within 30 days of the date on which a performance test required by this permit is concluded, the permittee shall submit to the Department a performance test report for the respective test. The performance test report shall

AIR QUALITY TIER II OPERATING PERMIT NUMBER: 001-00184

PERMITTEE: MIKE'S SAND AND GRAVEL  
LOCATION: Nampa, IDAHO

DATE ISSUED: JULY 12, 2002  
DATE EXPIRES: JULY 12, 2007

**GENERAL PROVISIONS**

include any and all process operating data required to be recorded during the test period as well as the test results, raw test data, and associated documentation.

The maximum allowable source operating rate shall be limited to 120 percent of the average operating rate attained during the most recent performance test conducted pursuant to this permit, for which a test protocol has been granted prior approval by the Department, which demonstrated compliance with the respective pollutant emission limit unless (1) a more restrictive operating limit is specified elsewhere in this permit, or (2) at such an operating rate, emissions would exceed any emission limit(s) set forth in this permit.

- J. The provisions of this permit are severable; if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.



**Air Quality  
TIER II OPERATING PERMIT  
and  
PERMIT TO CONSTRUCT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: T2-020031

AIRS FACILITY NO.: 777-00106

SIC: 3273 CLASS: SM

UTM COORDINATE (km): PORTABLE

**1. PERMITTEE**

Idaho Concrete Co.

**2. PROJECT**

Tier II Operating Permit and Permit to Construct

**3. MAILING ADDRESS**

P.O. Box 789, 2755 E. State St.

**CITY**

Eagle

**STATE**

ID

**ZIP**

83616

**4. FACILITY CONTACT**

Eric St. Pierre

**TITLE**

Operations Manager

**TELEPHONE**

(208) 939-6831

**5. RESPONSIBLE OFFICIAL**

Eric St. Pierre

**TITLE**

Operations Manager

**TELEPHONE**

(208) 939-6831

**6. EXACT PLANT LOCATION**

Portable

**COUNTY**

Ada

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

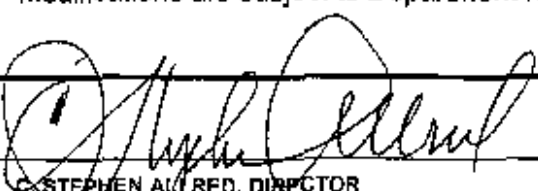
Production of ready-mix concrete

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.400-470 and IDAPA 58.01.01.200-228. This permit pertains only to emissions of air contaminants, which are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit. Only the terms and conditions pertaining to Tier II operating permit requirements are subject to the expiration date of this permit.

This permit is not transferable to another person, place, or piece or set of equipment. This permit will expire if construction has not yet begun within two years of its issue date or if construction is suspended for one year.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's technical analysis of the supplied information. Changes in design or equipment that result in any change in the nature or amount of emissions may be considered a modification. Modifications are subject to Department review in accordance with IDAPA 58.01.01.200 et seq.

  
STEPHEN ALLRED, DIRECTOR  
DEPARTMENT OF ENVIRONMENTAL QUALITY

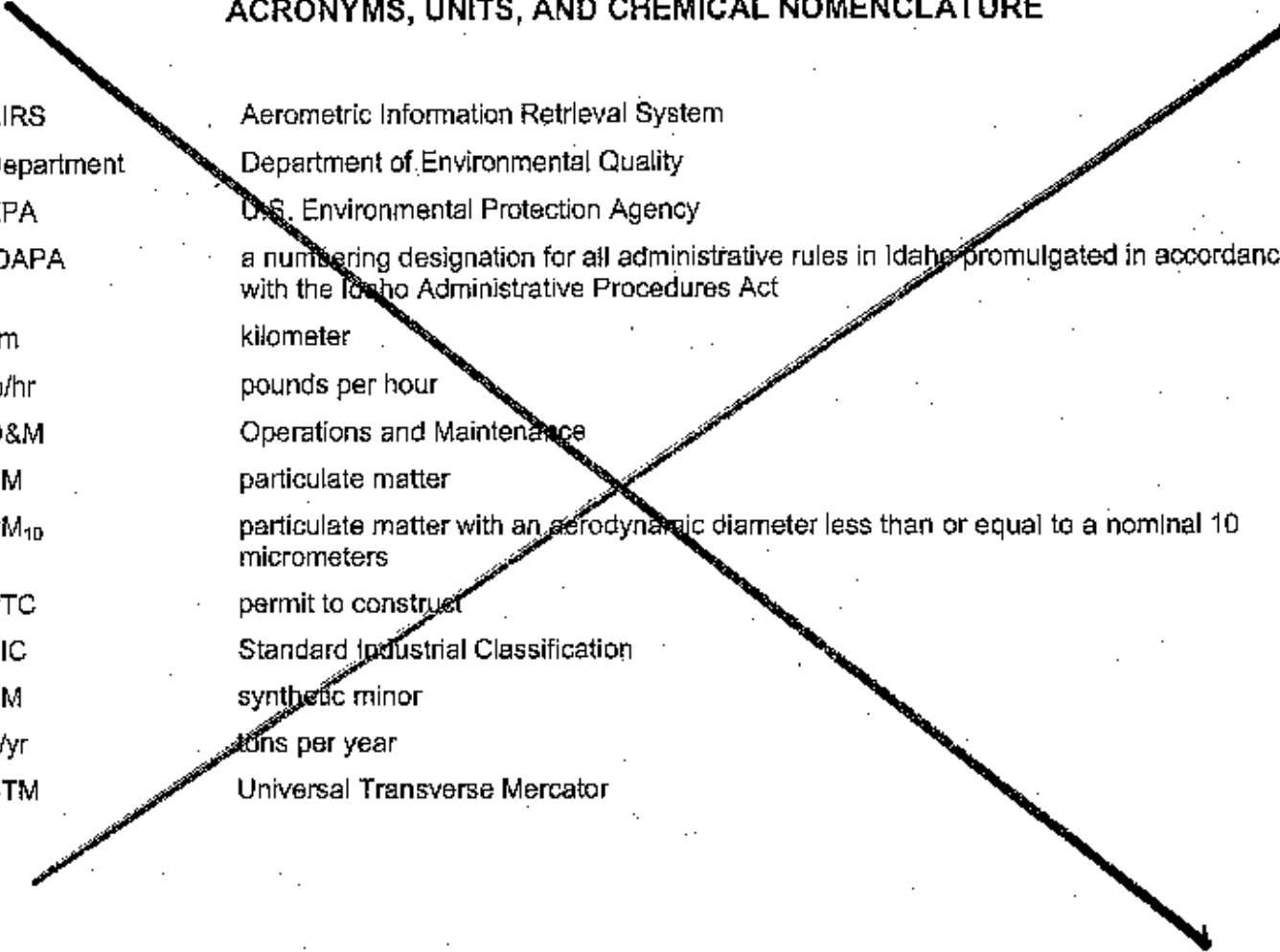
DATE ISSUED: July 8, 2003

DATE EXPIRES: July 8, 2008

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## ACRONYMS, UNITS, AND CHEMICAL NOMENCLATURE



|                  |  |
|------------------|--|
| AIRS             | Aerometric Information Retrieval System  |
| Department       | Department of Environmental Quality  |
| EPA              | U.S. Environmental Protection Agency   |
| IDAPA            | a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act |
| km               | kilometer  |
| lb/hr            | pounds per hour  |
| O&M              | Operations and Maintenance   |
| PM               | particulate matter   |
| PM <sub>10</sub> | particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers                                       |
| PTC              | permit to construct  |
| SIC              | Standard Industrial Classification   |
| SM               | synthetic minor  |
| T/yr             | tons per year  |
| UTM              | Universal Transverse Mercator  |

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020031

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00106 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2009 |

## 1. PERMIT SCORE

### Purpose

1.1 ~~The purpose of this permit is to limit PM<sub>10</sub> emissions from this facility as part of the Northern Ada County PM<sub>10</sub> Maintenance Plan.~~

1.2 ~~This Tier II operating permit and permit to construct incorporates the following permit:~~

~~DTG No. 777-00106, issued February 1, 2000~~

### Regulated Sources

1.3 ~~Table 1.1 lists all sources of emissions that are regulated in this permit.~~

**Table 1.1-EMISSIONS SOURCES**

| Permit Section | Source Description  | Emissions Control(s)          |
|----------------|---|-------------------------------|
| <del>6</del>   | <del>Cement storage silo</del>  | <del>Baghouse</del>           |
| <del>4</del>   | <del>All associated fugitive emissions from the following: sand and aggregate transfers, weigh hopper loading, stockpiling, vehicle traffic, and maintenance of equipment</del> | <del>Reasonable control</del> |

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020031

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00106 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

## 2. FACILITY-WIDE CONDITIONS

The following table contains a summary of requirements that apply generally to emissions units at the facility:

~~Table 2.1 SUMMARY OF REQUIREMENTS~~

| Permit Condition | Parameter               | Permit Limit/Standard Summary                                      | Applicable Requirements Reference | Monitoring & Recordkeeping Requirements |
|------------------|-------------------------|--|-----------------------------------|---|
| 2.1              | Fugitive dust           | Reasonable control   | IDAPA 58.01.01.650-651            | 2.2, 2.3, 2.4, 2.5, 2.13                |
| 2.8              | Odors                   | Reasonable control   | IDAPA 58.01.01.775-776            | 2.7, 2.13                               |
| 2.8              | Visible emissions       | 20% opacity for no more than three minutes in any 60-minute period | IDAPA 58.01.01.825                | 2.9, 2.13                               |
| 2.10             | Excess emissions        | Compliance with IDAPA 58.01.01.130-136                             | IDAPA 58.01.01.130-136            | 2.13                                    |
| 2.12             | Air stagnation advisory | Compliance with IDAPA 58.01.01.550-562                             | IDAPA 58.01.01.550-562            | 2.13                                    |
| 2.14             | Open burning            | In accordance with IDAPA 58.01.01.600-616                          | IDAPA 58.01.01.600-616            | 2.13                                    |

### ~~Fugitive Dust~~

~~2.1 All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:~~

- ~~• Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands.~~
- ~~• Application, where practical, of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust.~~
- ~~• Installation and use, where practical, of hoods, fans, and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.~~
- ~~• Covering, where practical, of open-bodied trucks transporting materials likely to give rise to airborne dusts.~~
- ~~• Paving of roadways and their maintenance in a clean condition, where practical.~~
- ~~• Prompt removal of earth or other stored material from streets, where practical.~~



# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020031

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00106 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

- ~~2.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (non water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.~~
- ~~2.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receipt of a valid complaint. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~
- ~~2.4 The permittee shall conduct a weekly facility wide inspection of potential sources of fugitive emissions, during daylight hours and under normal operating conditions, to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each weekly fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.~~
- 2.5 Visible emissions are a trigger that requires the initiation of a strategy or strategies to control fugitive dust emission from associated processes of a concrete batch plant such as weigh hopper, sand and aggregate transfer, truck mixing, paved and unpaved roads, and stockpiles. Emissions from any of the associated processes and roads shall not exceed 20% opacity for a period or periods aggregating more than one minute in any 60-minute period. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

## Oders

- ~~2.6 No person shall allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.~~
- ~~2.7 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~

## Visible Emissions

- ~~2.8 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, nitrogen oxides, and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this section.~~
- ~~2.9 The permittee shall conduct a weekly facility wide inspection of potential sources of visible emissions during daylight hours and under normal operating conditions. The visible emissions inspection shall consist of a see/no see evaluation for each potential source. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee~~

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020031

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00106 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

~~shall take all necessary corrective action and report the exceedance in its annual compliance certification and in accordance with IDAPA 58.01.01.130-136. The permittee shall maintain records of the results of each weekly visible emissions inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.~~

## ~~Excess Emissions~~

~~2.10 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets, and breakdowns.~~

## ~~Reports and Certifications~~

~~2.11 Any reporting required by this permit, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete. Any reporting required by this permit shall be submitted to the following:~~

~~Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, ID 83706~~

## ~~Air Stagnation Advisory Days~~

~~2.12 The permittee shall comply with the Air Pollution Emergency Rules in IDAPA 58.01.01.550-560.~~

## ~~Monitoring and Recordkeeping~~

2.13 The permittee shall maintain sufficient recordkeeping to ensure compliance with all the terms and conditions of this operating permit. Records of monitoring information shall include, but not limited to the following: (a) the date, place, and times of sampling or measurement; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurements. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to Department representatives upon request.

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020031

|            |                    |                             |                          |                         |
|------------|--------------------|-----------------------------|--------------------------|-------------------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00106 | Date Issued:             | July 8, 2003            |
| Location:  | Portable           |                             | <del>Date Expires:</del> | <del>July 8, 2008</del> |

## ~~Open Burning~~

~~2.14 The permittee shall comply with the requirements of IDAPA 58.01.01.600.616, Rules for Control of Open Burning.~~

## ~~Obligation to Comply~~

~~2.15 Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state, and federal rules and regulations.~~

## ~~Relocation~~

~~2.16 At least 40 days prior to relocating any equipment covered by this permit, the permittee shall register all existing portable equipment using the Department's Portable Equipment Registration and Relocation Form (PERF) available on the Department's Website at [www.state.id.us/deq/air/equiprelocat.htm](http://www.state.id.us/deq/air/equiprelocat.htm). Each PERF, along with a sealed plot plan of the relocation site, shall be mailed to the following address:~~

~~PERF Processing Unit  
Idaho DEQ - Air Quality  
1440 N. Milton  
Boise, ID 83706-1255~~

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020031**

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00106 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

**3. CEMENT STORAGE SILO****3.1 Process Description**

~~The purpose for the cement storage silo is to store cement for use in the production of concrete.~~

**3.2 Control Description**

~~Particulate matter emissions from the pneumatic loading of cement from a delivery truck to the cement storage silo are controlled by a baghouse.~~

**Emissions Limits****3.3 Emissions Limits**

Emissions of PM<sub>10</sub> from cement silo loading shall not exceed any corresponding emissions rate limits listed in the appendix of this permit.

~~(PTC No. 777-00106, 2/4/03)~~

**Operating Requirements****3.4 Throughput Limits**

The maximum annual production of concrete shall not exceed 500,000 cubic yards per any consecutive 12-month period.

**3.5 Operations and Maintenance Manual Requirements**

~~Within 60 days after startup, the permittee shall have developed an O&M manual for the cement storage silo baghouse describing the procedures that shall be followed to comply with General Provision 5.2 and the baghouse pressure drop requirements contained in this permit. The manual shall remain onsite at all times and shall be made available to Department representatives upon request.~~

**3.6 Monitoring Equipment**

The permittee shall install, calibrate, maintain, and operate, in accordance with manufacturer specifications, a pressure drop monitoring device to measure the pressure differential across the cement storage silo baghouse.

**3.7 Pressure Drop Across Air Pollution Control Device**

The pressure drop across the cement storage silo baghouse shall be maintained within manufacturer and O&M manual specifications. Documentation of both manufacturer and O&M manual operating pressure drop specifications shall remain onsite at all times and shall be made available to Department representatives upon request.

| AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020031 |                    |                             |                                       |
|---|--------------------|-----------------------------|---------------------------------------|
| Permittee:  | Idaho Concrete Co. | AIRS Facility No. 777-00106 | Date Issued: July 8, 2003             |
| Location:   | Portable           |                             | <del>Date Expires: July 8, 2008</del> |

### ***Monitoring and Recordkeeping Requirements***

#### **3.8 Operating Parameters**

The permittee shall monitor and record the following information:

- Pressure drop reading across the cement storage silo baghouse once each time the cement storage silo is loaded.
- Concrete production in cubic yards per month and cubic yards per year. Monthly concrete production shall be summed over the previous consecutive 12-month period to demonstrate compliance with Permit Condition 3.4.

These records shall be maintained in accordance with Permit Condition 2.13.

**[ETC No. 777-00106, 2/4/08]**

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020031**

|                   |                    |                                    |                                 |                         |
|-------------------|--------------------|------------------------------------|---------------------------------|-------------------------|
| <b>Permittee:</b> | Idaho Concrete Co. | <b>AIRS Facility No.</b> 777-00106 | <b>Date Issued:</b>             | July 8, 2003            |
| <b>Location:</b>  | Portable           |                                    | <del><b>Date Expires:</b></del> | <del>July 8, 2008</del> |

**4. APPENDIX****Table 4.1 EMISSION LIMITS**

| Idaho Concrete Co.<br>Emission Limits <sup>a</sup> - Hourly (lb/hr), and Annual <sup>b</sup> (T/yr) |  |   |
|---|--|---|
| Source Description  | Hourly PM <sub>10</sub> <sup>c</sup><br>Emissions<br>(lb/hr) | Annual PM <sub>10</sub> <sup>c</sup><br>Emissions<br>(T/yr) |
| Cement storage silo   | 3.7  | 0.6   |
| All associated process emissions (fugitives included)   |  | 19.4  |

<sup>a</sup> As determined by a pollutant-specific EPA reference method, a Department-approved alternative, or as determined by the Department's emissions estimation methods used in this permit analysis.

<sup>b</sup> As determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the allowable hours per year that the process(es) may operate(s), or by actual annual production rates.

<sup>c</sup> Includes condensibles.

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020031

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00106 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

## 5. GENERAL PROVISIONS

- 5.1 All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code §39-101 et seq.
- 5.2 The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- 5.3 The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- To enter upon the permittee's premises where an emissions source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  - At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emissions testing (i.e., performance tests) in conformance with state-approved or accepted EPA procedures when deemed appropriate by the Director.
- 5.4 Except for data determined to be confidential under Section 9-342A *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department of Environmental Quality.
- 5.5 Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- 5.6 In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter; a copy of which shall be forwarded to the Director.
- 5.7 This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 60 days after receipt of the Director's request shall cause the permit to become void.
- 5.8 The Director may require the permittee to develop a list of operation and maintenance procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- 5.9 The provisions of this permit are severable; and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.



**Air Quality  
TIER II OPERATING PERMIT  
and  
PERMIT TO CONSTRUCT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: T2-020032

AIRS FACILITY NO.: 777-00113

SIC: 3273 CLASS: SM

UTM COORDINATE (km): PORTABLE

**1. PERMITTEE**

Idaho Concrete Co.

**2. PROJECT**

Tier II Operating Permit and Permit to Construct

**3. MAILING ADDRESS**

P.O. Box 789, 2755 E. State St.

**CITY**

Eagle

**STATE**

ID

**ZIP**

83616

**4. FACILITY CONTACT**

Eric St. Pierre

**TITLE**

Operations Manager

**TELEPHONE**

(208) 939-6831

**5. RESPONSIBLE OFFICIAL**

Eric St. Pierre

**TITLE**

Operations Manager

**TELEPHONE**

(208) 939-6831

**6. EXACT PLANT LOCATION**

Portable

**COUNTY**

Ada

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Production of ready-mix concrete

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.400-470 and IDAPA 58.01.01.200-228. This permit pertains only to emissions of air contaminants, which are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit. Only the terms and conditions pertaining to Tier II operating permit requirements are subject to the expiration date of this permit.

This permit is not transferable to another person, place, or piece or set of equipment. This permit will expire if construction has not yet begun within two years of its issue date or if construction is suspended for one year.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's technical analysis of the supplied information. Changes in design or equipment that result in any change in the nature or amount of emissions may be considered a modification. Modifications are subject to Department review in accordance with IDAPA 58.01.01.200 et seq.

  
S. STEPHEN ALLRED, DIRECTOR

DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: July 8, 2003

DATE EXPIRES: ~~July 8, 2005~~



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## ACRONYMS, UNITS, AND CHEMICAL NOMENCLATURE

|                  |  |
|------------------|--|
| AIRS             | Aerometric Information Retrieval System  |
| Department       | Department of Environmental Quality  |
| EPA              | U.S. Environmental Protection Agency   |
| IDAPA            | a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act |
| km               | kilometer  |
| lb/hr            | pounds per hour  |
| O&M              | Operations and Maintenance   |
| PM               | particulate matter   |
| PM <sub>10</sub> | particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers                                       |
| PTC              | permit to construct  |
| SIC              | Standard Industrial Classification   |
| SM               | synthetic minor  |
| T/yr             | tons per year  |
| UTM              | Universal Transverse Mercator  |

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020032

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00113 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

## ~~4. PERMIT SCOPE~~

### ~~Purpose~~

- ~~1.1 The purpose of this permit is to limit PM<sub>10</sub> emissions from this facility as part of the Northern Ada County CM<sub>10</sub> Maintenance Plan.~~
- ~~1.2 This Tier II operating permit and permit to construct incorporates the following permit:~~
- ~~RTG No. 777-00113, issued August 3, 2000~~

### ~~Regulated Sources~~

- ~~1.3 Table 1.1 lists all sources of emissions that are regulated in this permit.~~

~~Table 1.1 EMISSIONS SOURCES~~

| <del>Permit Section</del> | <del>Source Description</del>  | <del>Emissions Control(s)</del> |
|---------------------------|--|---------------------------------|
| <del>2</del>              | <del>Cement storage pile</del>   | <del>Baghouse</del>             |
| <del>4</del>              | <del>All associated fugitive emissions from the following: sand and aggregate transfer, weigh house loading, truck mixing, vehicle traffic, and wind erosion of stockpiles</del> | <del>Reasonable control</del>   |

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020032

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00113 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

## 2. FACILITY-WIDE CONDITIONS

The following table contains a summary of requirements that apply generally to emissions units at the facility:

**Table 2.1 SUMMARY OF REQUIREMENTS**

| Permit Condition | Parameter                         | Permit Limit/Standard Summary   | Applicable Requirements Reference | Monitoring & Recordkeeping Requirements |
|------------------|-----------------------------------|---|-----------------------------------|---|
| <del>2.1</del>   | <del>Fugitive dust</del>          | <del>Reasonable control</del>   | <del>IDAPA 58.01.01.650-654</del> | <del>2.9, 2.10, 2.14, 2.15, 2.16</del>  |
| <del>2.6</del>   | <del>Odors</del>                  | <del>Reasonable control</del>   | <del>IDAPA 58.01.01.775-776</del> | <del>2.7, 2.13</del>                    |
| <del>2.8</del>   | <del>Visible emissions</del>      | <del>99% opacity for no more than three minutes in any 60-minute period</del> | <del>IDAPA 58.01.01.625</del>     | <del>2.9, 2.13</del>                    |
| <del>2.10</del>  | <del>Excess emissions</del>       | <del>Compliance with IDAPA 58.01.01.130-136</del>                             | <del>IDAPA 58.01.01.130-136</del> | <del>2.13</del>                         |
| <del>2.12</del>  | <del>Air cleanness advisory</del> | <del>Compliance with IDAPA 58.01.01.550-562</del>                             | <del>IDAPA 58.01.01.550-562</del> | <del>2.13</del>                         |
| <del>2.14</del>  | <del>Open burning</del>           | <del>In accordance with IDAPA 58.01.01.600-616</del>                          | <del>IDAPA 58.01.01.600-616</del> | <del>2.13</del>                         |

### ~~Fugitive Dust~~

~~2.1 All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-654. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:~~

- ~~• Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands.~~
- ~~• Application, where practical, of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust.~~
- ~~• Installation and use, where practical, of hoods, fans, and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.~~
- ~~• Covering, where practical, of open-bodied trucks transporting materials likely to give rise to airborne dusts.~~
- ~~• Paving of roadways and their maintenance in a clean condition, where practical.~~
- ~~• Prompt removal of earth or other stored material from streets, where practical.~~

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020032

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00113 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

~~2.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.~~

~~2.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receipt of a valid complaint. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~

~~2.4 The permittee shall conduct a weekly facility-wide inspection of potential sources of fugitive emissions, during daylight hours and under normal operating conditions, to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each weekly fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.~~

2.5 Visible emissions are a trigger that requires the initiation of a strategy or strategies to control fugitive dust emission from associated processes of a concrete batch plant such as weigh hopper, sand and aggregate transfer, truck mixing, paved and unpaved roads, and stockpiles. Emissions from any of the associated processes and roads shall not exceed 20% opacity for a period or periods aggregating more than one minute in any 60-minute period. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

## Odors

~~2.6 No person shall allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.~~

~~2.7 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~

## Visible Emissions

~~2.8 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, nitrogen oxides, and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this section.~~

~~2.9 The permittee shall conduct a weekly facility-wide inspection of potential sources of visible emissions during daylight hours and under normal operating conditions. The visible emissions inspection shall consist of a see/no see evaluation for each potential source. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 20 observations shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee~~

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020032**

|            |                    |                             |                          |                         |
|------------|--------------------|-----------------------------|--------------------------|-------------------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00113 | Date Issued:             | July 8, 2003            |
| Location:  | Portable           |                             | <del>Date Expires:</del> | <del>July 8, 2008</del> |

~~shall take all necessary corrective action and report the exceedance in its annual compliance certification and in accordance with IDAPA 58.01.01.130-136. The permittee shall maintain records of the results of each weekly visible emissions inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.~~

**~~Excess Emissions~~**

~~2.10 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets, and breakdowns.~~

**~~Reports and Certifications~~**

~~2.11 Any reporting required by this permit, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete. Any reporting required by this permit shall be submitted to the following.~~

~~Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1415 N. Orchard  
Boise, ID 83706~~

**~~Air Stagnation Advisory Days~~**

~~2.12 The permittee shall comply with the Air Pollution Emergency Rules in IDAPA 58.01.01.550-562.~~

**~~Monitoring and Recordkeeping~~**

2.13 The permittee shall maintain sufficient recordkeeping to ensure compliance with all the terms and conditions of this operating permit. Records of monitoring information shall include, but not limited to the following: (a) the date, place, and times of sampling or measurement; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurements. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to Department representatives upon request.

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020032**

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00113 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

**Open Burning**

~~2.11 The permittee shall comply with the requirements of IDAPA 58.01.01.600-616, Rules for Control of Open Burning.~~

**Obligation to Comply**

~~2.15 Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state, and federal rules and regulations.~~

**Relocation**

~~2.16 At least 10 days prior to relocating any equipment covered by this permit, the permittee shall register all existing portable equipment using the Department's Portable Equipment Registration and Relocation Form (PERF) available on the Department's Website at [www.state.id.us/deg/air/equip/relact.htm](http://www.state.id.us/deg/air/equip/relact.htm). Each PERF, along with a scaled plot plan of the relocation site, shall be mailed to the following address:~~

~~PERF Processing Unit  
Helm DEQ Air Quality  
1440 N. Hillman  
Boise, ID 83706-1266~~

# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020032

|            |                    |                             |               |              |
|------------|--------------------|-----------------------------|---------------|--------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00113 | Date Issued:  | July 8, 2003 |
| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

## 3. CEMENT STORAGE SILO

### 3.1 Process Description

~~The purpose for the cement storage silo is to store cement for use in the production of concrete.~~

### 3.2 Control Description

~~Particulate matter emissions from the pneumatic loading of cement from a delivery truck to the cement storage silo are controlled by a baghouse.~~

## ~~Emissions Limits~~

### 3.3 Emissions Limits

Emissions of PM<sub>10</sub> from cement silo loading shall not exceed any corresponding emissions rate limits listed in the appendix of this permit.

~~(PTC No. 777-00113, 8/3/00)~~

## Operating Requirements

### 3.4 Throughput Limits

The maximum annual production of concrete shall not exceed 600,000 cubic yards per any consecutive 12-month period.

### 3.5 Operations and Maintenance Manual Requirements

~~Within 60 days after startup, the permittee shall have developed an O&M manual for the cement storage silo baghouse describing the procedures that shall be followed to comply with General Provision 5.2 and the baghouse pressure drop requirements contained in this permit. The manual shall remain onsite at all times and shall be made available to Department representatives upon request.~~

### 3.6 Monitoring Equipment

The permittee shall install, calibrate, maintain, and operate, in accordance with manufacturer specifications, a pressure drop monitoring device to measure the pressure differential across the cement storage silo baghouse.

### 3.7 Pressure Drop Across Air Pollution Control Device

The pressure drop across the cement storage silo baghouse shall be maintained within manufacturer and O&M manual specifications. Documentation of both manufacturer and O&M manual operating pressure drop specifications shall remain onsite at all times and shall be made available to Department representatives upon request.



**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020032**

|            |                    |                             |                          |                         |
|------------|--------------------|-----------------------------|--------------------------|-------------------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00113 | Date Issued:             | July 8, 2003            |
| Location:  | Portable           |                             | <del>Date Expires:</del> | <del>July 8, 2006</del> |

**Monitoring and Recordkeeping Requirements****3.8 Operating Parameters**

The permittee shall monitor and record the following information:

- Pressure drop reading across the cement storage silo baghouse once each time the cement storage silo is loaded.
- Concrete production in cubic yards per month and cubic yards per year. Monthly concrete production shall be summed over the previous consecutive 12-month period to demonstrate compliance with Permit Condition 3.4.

These records shall be maintained in accordance with Permit Condition 2.13.

~~PTC No. 777-00113, 8/3/03~~

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020032**

|                   |                    |                                    |                      |              |
|-------------------|--------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | Idaho Concrete Co. | <b>AIRS Facility No. 777-00113</b> | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Portable           |                                    | <b>Date Expires:</b> | July 8, 2009 |

**4. APPENDIX**

**Table 4.1 EMISSION LIMITS**

| Idaho Concrete Co.<br>Emission Limits <sup>a</sup> - Hourly (lb/hr), and Annual <sup>b</sup> (T/yr) |  |   |
|---|--|---|
| Source Description  | Hourly PM <sub>10</sub> <sup>c</sup><br>Emissions<br>(lb/hr) | Annual PM <sub>10</sub> <sup>c</sup><br>Emissions<br>(T/yr) |
| Cement storage silo   | 0.4  | 1.6   |
| All associated process emissions (fugitives included)   |  | 18.4  |

<sup>a</sup> As determined by a pollutant-specific EPA reference method, a Department-approved alternative, or as determined by the Department's emissions estimation methods used in this permit analysis.

<sup>b</sup> As determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the allowable hours per year that the process(es) may operate(s), or by actual annual production rates.

<sup>c</sup> Includes condensibles.

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020032**

|                   |                    |                                    |                      |                         |
|-------------------|--------------------|------------------------------------|----------------------|-------------------------|
| <b>Permittee:</b> | Idaho Concrete Co. | <b>AIRS Facility No. 777-00113</b> | <b>Date Issued:</b>  | July 8, 2003            |
| <b>Location:</b>  | Portable           |                                    | <b>Date Expires:</b> | <del>July 8, 2008</del> |

**5. GENERAL PROVISIONS**

- 5.1 All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code §39-101 et seq.
- 5.2 The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- 5.3 The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- To enter upon the permittee's premises where an emissions source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  - At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emissions testing (i.e., performance tests) in conformance with state-approved or accepted EPA procedures when deemed appropriate by the Director.
- 5.4 Except for data determined to be confidential under Section 9-342A *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department of Environmental Quality.
- 5.5 Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- 5.6 In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter; a copy of which shall be forwarded to the Director.
- 5.7 This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 60 days after receipt of the Director's request shall cause the permit to become void.
- 5.8 The Director may require the permittee to develop a list of operation and maintenance procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
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**Air Quality  
TIER II OPERATING PERMIT  
and  
PERMIT TO CONSTRUCT**

State of Idaho  
Department of Environmental Quality

PERMIT NO.: T2-020033

AIRS FACILITY NO.: 777-00151

SIC: 3273 CLASS: SM

UTM COORDINATE (km): PORTABLE

**1. PERMITTEE**

Idaho Concrete Co.

**2. PROJECT**

Tier II Operating Permit and Permit to Construct

**3. MAILING ADDRESS**

P.O. Box 789, 2755 E. State St.

**CITY**

Eagle

**STATE**

ID

**ZIP**

83616

**4. FACILITY CONTACT**

Eric St. Pierre

**TITLE**

Operations Manager

**TELEPHONE**

(208) 939-6831

**5. RESPONSIBLE OFFICIAL**

Eric St. Pierre

**TITLE**

Operations Manager

**TELEPHONE**

(208) 939-6831

**6. EXACT PLANT LOCATION**

Portable

**COUNTY**

Ada

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

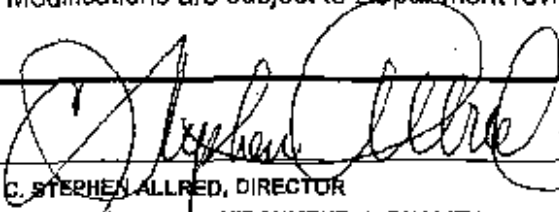
Production of ready-mix concrete

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.400-470 and IDAPA 58.01.01.200-228. This permit pertains only to emissions of air contaminants, which are regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit. Only the terms and conditions pertaining to Tier II operating permit requirements are subject to the expiration date of this permit.

This permit is not transferable to another person, place, or piece or set of equipment. This permit will expire if construction has not yet begun within two years of its issue date or if construction is suspended for one year.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's technical analysis of the supplied information. Changes in design or equipment that result in any change in the nature or amount of emissions may be considered a modification. Modifications are subject to Department review in accordance with IDAPA 58.01.01.200 et seq.

  
C. STEPHEN ALLRED, DIRECTOR  
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: July 8, 2003

~~DATE EXPIRES: July 8, 2005~~

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## ACRONYMS, UNITS, AND CHEMICAL NOMENCLATURE

|                  |  |
|------------------|--|
| AIRS             | Aerometric Information Retrieval System  |
| Department       | Department of Environmental Quality  |
| EPA              | U.S. Environmental Protection Agency   |
| IDAPA            | a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act |
| km               | kilometer  |
| lb/hr            | pounds per hour  |
| O&M              | Operations and Maintenance   |
| PM               | particulate matter   |
| PM <sub>10</sub> | particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers                                       |
| PTC              | permit to construct  |
| SIC              | Standard Industrial Classification   |
| SM               | synthetic minor  |
| T/yr             | tons per year  |
| UTM              | Universal Transverse Mercator  |

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020033**

|            |                    |                             |                          |                         |
|------------|--------------------|-----------------------------|--------------------------|-------------------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00151 | Date Issued:             | July 8, 2003            |
| Location:  | Portable           |                             | <del>Date Expires:</del> | <del>July 8, 2008</del> |

**1. ~~PERMIT SCOPE~~**

**Purpose**

~~1.1 The purpose of this permit is to limit PM<sub>10</sub> emissions from this facility as part of the Northern Ada County PM<sub>10</sub> Maintenance Plan.~~

~~1.2 This Tier II operating permit and permit to construct incorporates the following permit:~~

~~PTC No. 777-00454, issued August 2, 2000.~~

**Regulated Sources**

~~1.3 Table 1.1 lists all sources of emissions that are regulated in this permit.~~

**~~Table 1.1 EMISSIONS SOURCES~~**

| <del>Permit Section</del> | <del>Source Description</del>  | <del>Emissions Control(s)</del> |
|---------------------------|--|---------------------------------|
| <del>2</del>              | <del>Cement storage silo</del>   | <del>Baghouse</del>             |
| <del>4</del>              | <del>All associated fugitive emissions from the following: sand and aggregate transfers, weigh hopper loading, truck mixing, vehicle traffic, and wind erosion of stockpiles</del> | <del>Reasonable control</del>   |

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| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

## 2. FACILITY-WIDE CONDITIONS

The following table contains a summary of requirements that apply generally to emissions units at the facility:

**Table 2.1 SUMMARY OF REQUIREMENTS**

| Permit Condition | Parameter                          | Permit Limit/Standard Summary   | Applicable Requirements Reference | Monitoring & Recordkeeping Requirements |
|------------------|------------------------------------|---|-----------------------------------|---|
| <del>2.4</del>   | <del>Fugitive dust</del>           | <del>Reasonable control</del>   | <del>IDAPA 58.01.01.650-651</del> | <del>2.2, 2.3, 2.4, 2.5, 2.10</del>     |
| <del>2.6</del>   | <del>Odors</del>                   | <del>Reasonable control</del>   | <del>IDAPA 58.01.01.775-776</del> | <del>2.7, 2.10</del>                    |
| <del>2.9</del>   | <del>Visible emissions</del>       | <del>50% opacity for no more than three minutes in any 60-minute period</del> | <del>IDAPA 58.01.01.625</del>     | <del>2.3, 2.10</del>                    |
| <del>2.10</del>  | <del>Excess emissions</del>        | <del>Compliance with IDAPA 58.01.01.400-400</del>                             | <del>IDAPA 58.01.01.130-130</del> | <del>2.10</del>                         |
| <del>2.12</del>  | <del>Air stagnation advisory</del> | <del>Compliance with IDAPA 58.01.01.550-552</del>                             | <del>IDAPA 58.01.01.550-552</del> | <del>2.10</del>                         |
| <del>2.11</del>  | <del>Open burning</del>            | <del>In accordance with IDAPA 58.01.01.600-616</del>                          | <del>IDAPA 58.01.01.000-010</del> | <del>2.10</del>                         |

### Fugitive Dust

~~2.1 All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:~~

- ~~• Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands.~~
- ~~• Application, where practical, of asphalt, oil, water, or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust.~~
- ~~• Installation and use, where practical, of hoods, fans, and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.~~
- ~~• Covering, where practical, of open-bodied trucks transporting materials likely to give rise to airborne dusts.~~
- ~~• Paving of roadways and their maintenance in a clean condition, where practical.~~
- ~~• Prompt removal of earth or other stored material from streets, where practical.~~



# AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020033

|            |                    |                             |                          |                         |
|------------|--------------------|-----------------------------|--------------------------|-------------------------|
| Permittee: | Idaho Concrete Co. | AIRS Facility No. 777-00151 | Date Issued:             | July 8, 2003            |
| Location:  | Portable           |                             | <del>Date Expires:</del> | <del>July 8, 2009</del> |

- ~~2.2 The permittee shall monitor and maintain records of the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.~~
- ~~2.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receipt of a valid complaint. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~
- ~~2.4 The permittee shall conduct a weekly facility wide inspection of potential sources of fugitive emissions, during daylight hours and under normal operating conditions, to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each weekly fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.~~
- 2.5 Visible emissions are a trigger that requires the initiation of a strategy or strategies to control fugitive dust emission from associated processes of a concrete batch plant such as weigh hopper, sand and aggregate transfer, truck mixing, paved and unpaved roads, and stockpiles. Emissions from any of the associated processes and roads shall not exceed 20% opacity for a period or periods aggregating more than one minute in any 60-minute period. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

## Odors

- ~~2.6 No person shall allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution.~~
- ~~2.7 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.~~

## Visible Emissions

- ~~2.8 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, nitrogen oxides, and/or chlorine gas are the only reason(s) for the failure of the emission to comply with the requirements of this section.~~
- ~~2.9 The permittee shall conduct a weekly facility wide inspection of potential sources of visible emissions during daylight hours and under normal operating conditions. The visible emissions inspection shall consist of a see/no see evaluation for each potential source. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee~~

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|            |                    |                             |               |              |
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| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

~~shall take all necessary corrective action and report the exceedance in its annual compliance certification and in accordance with IDAPA 58.01.01.130-136. The permittee shall maintain records of the results of each weekly visible emissions inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.~~

**~~Excess Emissions~~**

~~2.10 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets, and breakdowns.~~

**~~Reports and Certifications~~**

~~2.11 Any reporting required by this permit, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete. Any reporting required by this permit shall be submitted to the following:~~

~~Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, ID 83706~~

**~~Air Stagnation Advisory Days~~**

~~2.12 The permittee shall comply with the Air Pollution Emergency Rules in IDAPA 58.01.01.550-582.~~

**~~Monitoring and Recordkeeping~~**

2.13 The permittee shall maintain sufficient recordkeeping to ensure compliance with all the terms and conditions of this operating permit. Records of monitoring information shall include, but not limited to the following: (a) the date, place, and times of sampling or measurement; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurements. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to Department representatives upon request.

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020033**

|                   |                    |                                    |                      |              |
|-------------------|--------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | Idaho Concrete Co. | <b>AIRS Facility No.</b> 777-00151 | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Portable           |                                    | <b>Date Expires:</b> | July 8, 2006 |

**Open Burning**

~~2.14 The permittee shall comply with the requirements of IDAPA 58.01.01.600-616, Rules for Control of Open Burning.~~

**Obligation to Comply**

~~2.15 Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state, and federal rules and regulations.~~

**Relocation**

~~2.16 At least 10 days prior to relocating any equipment covered by this permit, the permittee shall register all existing portable equipment using the Department's Portable Equipment Registration and Relocation Form (PERF) available on the Department's Website at: [www.state.id.us/daq/air/equip relocat.htm](http://www.state.id.us/daq/air/equip relocat.htm). Each PERF, along with a scaled plot plan of the relocation site, shall be mailed to the following address:~~

~~PERF Processing Unit  
Idaho DEQ - Air Quality  
4440 N. Hilitee  
Boise, ID 83706-4956~~

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| Location:  | Portable           |                             | Date Expires: | July 8, 2008 |

**3. CEMENT STORAGE SILO****2.1 Process Description**

~~The purpose for the cement storage silo is to store cement for use in the production of concrete.~~

**2.2 Control Description**

~~Particulate matter emissions from the pneumatic loading of cement from a delivery truck to the cement storage silo are controlled by a baghouse.~~

**Emissions Limits****3.3 Emissions Limits**

Emissions of PM<sub>10</sub> from cement silo loading shall not exceed any corresponding emissions rate limits listed in the appendix of this permit.

[PTC No. 777-00151, 8/3/00]

**Operating Requirements****3.4 Throughput Limits**

The maximum annual production of concrete shall not exceed 500,000 cubic yards per any consecutive 12-month period.

**2.5 Operations and Maintenance Manual Requirements**

~~Within 60 days after startup, the permittee shall have developed an O&M manual for the cement storage silo baghouse describing the procedures that shall be followed to comply with General Provision 5.2 and the baghouse pressure drop requirements contained in this permit. The manual shall remain onsite at all times and shall be made available to Department representatives upon request.~~

**3.6 Monitoring Equipment**

The permittee shall install, calibrate, maintain, and operate, in accordance with manufacturer specifications, a pressure drop monitoring device to measure the pressure differential across the cement storage silo baghouse.

**3.7 Pressure Drop Across Air Pollution Control Device**

The pressure drop across the cement storage silo baghouse shall be maintained within manufacturer and O&M manual specifications. Documentation of both manufacturer and O&M manual operating pressure drop specifications shall remain onsite at all times and shall be made available to Department representatives upon request.

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020033**

|                   |                    |                                    |                      |              |
|-------------------|--------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | Idaho Concrete Co. | <b>AIRS Facility No. 777-00151</b> | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Portable           |                                    | <b>Date Expires:</b> | July 8, 2008 |

**Monitoring and Recordkeeping Requirements****3.8 Operating Parameters**

The permittee shall monitor and record the following information:

- Pressure drop reading across the cement storage silo baghouse once each time the cement storage silo is loaded.
- Concrete production in cubic yards per month and cubic yards per year. Monthly concrete production shall be summed over the previous consecutive 12-month period to demonstrate compliance with Permit Condition 3.4.

These records shall be maintained in accordance with Permit Condition 2.13.

~~(BTC No. 777-00151, 8/3/03)~~

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020033**

|                   |                    |                                    |                      |              |
|-------------------|--------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | Idaho Concrete Co. | <b>AIRS Facility No. 777-00151</b> | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Portable           |                                    | <b>Date Expires:</b> | July 8, 2008 |

**4. APPENDIX**

**Table 4.1 EMISSION LIMITS**

| Idaho Concrete Co.<br>Emission Limits <sup>a</sup> - Hourly (lb/hr), and Annual <sup>b</sup> (T/yr) |  |   |
|---|--|---|
| Source Description  | Hourly PM <sub>10</sub> <sup>c</sup><br>Emissions<br>(lb/hr) | Annual PM <sub>10</sub> <sup>c</sup><br>Emissions<br>(T/yr) |
| Cement storage silo   | 3.7  | 0.6   |
| All associated process emissions (fugitives included)   |  | 19.4  |

<sup>a</sup> As determined by a pollutant-specific EPA reference method, a Department-approved alternative, or as determined by the Department's emissions estimation methods used in this permit analysis.

<sup>b</sup> As determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the allowable hours per year that the process(es) may operate(s), or by actual annual production rates.

<sup>c</sup> Includes condensibles.

**AIR QUALITY TIER II OPERATING AND PERMIT TO CONSTRUCT NUMBER: T2-020033**

|                   |                    |                                    |                      |              |
|-------------------|--------------------|------------------------------------|----------------------|--------------|
| <b>Permittee:</b> | Idaho Concrete Co. | <b>AIRS Facility No.</b> 777-00151 | <b>Date Issued:</b>  | July 8, 2003 |
| <b>Location:</b>  | Portable           |                                    | <b>Date Expires:</b> | July 8, 2008 |

**5. GENERAL PROVISIONS**

- 5.1 All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code §39-101 et seq.
- 5.2 The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- 5.3 The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- To enter upon the permittee's premises where an emissions source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  - At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emissions testing (i.e., performance tests) in conformance with state-approved or accepted EPA procedures when deemed appropriate by the Director.
- 5.4 Except for data determined to be confidential under Section 9-342A *Idaho Code*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department of Environmental Quality.
- 5.5 Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- 5.6 In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter; a copy of which shall be forwarded to the Director.
- 5.7 This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 60 days after receipt of the Director's request shall cause the permit to become void.
- 5.8 The Director may require the permittee to develop a list of operation and maintenance procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- 5.9 The provisions of this permit are severable; and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.



**Air Quality**  
**TIER II OPERATING PERMIT**  
State of Idaho  
Department of Environmental Quality

PERMIT NO.: 027-00010

AQCR: 064

CLASS: A

SIC: 2063

ZONE: 11

UTM COORDINATE (km): 534.5, 4828.0

**1. PERMITTEE**

The Amalgamated Sugar Company LLC

**2. PROJECT**

Tier II Operating Permit

**3. MAILING ADDRESS**

P.O. Box 8787

**CITY**

Nampa

**STATE**

ID

**ZIP**

83653-8787

**4. FACILITY CONTACT**

Joe Huff

**TITLE**

Nampa Plant Manager

**TELEPHONE**

(208) 466-3541

**5. RESPONSIBLE OFFICIAL**

Joe Huff

**TITLE**

Nampa Plant Manager

**TELEPHONE**

(208) 466-3541

**6. EXACT PLANT LOCATION**

138 W. Karcher Road, Nampa, Idaho

**COUNTY**

Canyon

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Beet Sugar Manufacturing

**8. PERMIT AUTHORITY**

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.400, and pertains only to emissions of air contaminants regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

This permit has been granted on the basis of design information presented in the application and the Idaho Department of Environmental Quality's technical analysis of the supplied information. Changes in design or equipment that result in any change in the nature or amount of emissions may be considered a modification. Modifications are subject to Department review in accordance with IDAPA 58.01.01.200 of the *Rules for the Control of Air Pollution in Idaho*.

  
KATHERINE B. KELLY, ADMINISTRATOR, AIR QUALITY DIVISION  
DEPARTMENT OF ENVIRONMENTAL QUALITY

DATE ISSUED: September 30, 2002

DATE EXPIRES: September 30, 2007



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## ACRONYMS, UNITS, AND CHEMICAL NOMENCLATURE

|                  |  |
|------------------|--|
| AQCR             | Air Quality Control Region   |
| CFR              | Code of Federal Regulations  |
| CO               | carbon monoxide  |
| CSB              | concentrated separator byproducts  |
| Department       | Department of Environmental Quality  |
| EPA              | U.S. Environmental Protection Agency   |
| gr/dscf          | grains per dry standard cubic foot   |
| IDAPA            | a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act |
| km               | kilometer  |
| lb/hr            | pound per hour   |
| MMscf            | million standard cubic feet  |
| MMscf/hr         | million standard cubic feet per year   |
| NAAQS            | National Ambient Air Quality Standards   |
| NO <sub>x</sub>  | nitrogen oxides  |
| NSPS             | New Source Performance Standards   |
| O&M              | operations and maintenance   |
| PM               | particulate matter   |
| PM <sub>10</sub> | particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers                                       |
| PTC              | permit to construct  |
| SIC              | Standard Industrial Classification   |
| SIP              | State Implementation Plan  |
| SO <sub>2</sub>  | sulfur dioxide   |
| TASCO            | The Amalgamated Sugar Co. LLC  |
| TDS              | total dissolved solids   |
| TEOM             | Tapered Element Oscillating Microbalance Ambient Air Monitor   |
| T/d, T/hr, T/yr  | tons per day, tons per hour, and tons per year, respectively   |
| UTM              | Universal Transverse Mercator  |
| VOC              | volatile organic compound  |

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010

Permittee: The Amalgamated Sugar Co. LLC  
Location: Nampa, Idaho

Date Issued: September 30, 2002  
Date Expires: September 30, 2007

## 1. TIER II OPERATING PERMIT SCOPE

### Purpose

1.1 In accordance with IDAPA 58.01.01.403.02, this Tier II operating permit establishes facility-wide requirements necessary to ensure that air emissions from the TASCO facility do not cause or significantly contribute to a violation of the NAAQS. The Tier II project was originally initiated to establish enforceable emissions limits in support of the Northern Ada County PM<sub>10</sub> SIP control strategy.

1.2 This Tier II operating permit incorporates all applicable permit terms from the following permits:

- Air Pollution Source Permit No. 13-0400-0010, dated March 19, 1981
- Air Pollution Source Permit No. 0400-0010, dated January 1, 1984

### Regulated Sources

1.3 Table 1.1 below lists sources of emissions that are specifically regulated in this Tier II operating permit.

Table 1.1: SUMMARY OF REGULATED SOURCES

| Permit<br>Sections | Source Description                                      | Emissions Control(s)   |
|--------------------|---|--|
| 2                  | Fugitive Dust Sources                                   | Fugitive Dust Plan   |
| 3                  | Three coal/natural gas-fired boilers (S-B1, S-B2, S-B3) | Baghouse A-B4/2 and A-B5   |
| 4                  | One natural gas-fired boiler (S-B4)                     | None   |
| 5                  | Three pulp dryers (S-D1, S-D2, S-D3)                    | Cyclones A-D4A, A-D2A, A-D3A;<br>Scrubbers A-D1B, A-D2B, A-D3A                             |
| 6                  | Five pellet mills (S-D4, S-D5, S-D6, S-D7, S-D8)        | Cyclones A-D4, A-D5, A-D6,<br>A-D7, A-D8; Baghouse <sup>a</sup>                            |
| 7                  | Two lime kilns (S-K1, S-K2)                             | 80%: Gas washers A-K1A, A-K2A;<br>Carbonation systems A-K1B, A-K2B<br>40%: Baghouse A-K1/2 |
| 8                  | Two process slakers (S-K4)                              | Scrubber A-K4  |
| 9                  | One drying granulator (S-W1)                            | Scrubber A-W1  |
| 10                 | Two cooling granulators (S-W2, S-W3)                    | Scrubbers A-W2, A-W3   |
| 11                 | Three sugar handling systems (S-W4, S-W5, S-W6)         | Baghouses A-W4, A-W5, A-W6   |
| 12                 | Lime kiln building (S-K3)                               | Lime kiln building; Baghouse A-K8  |

<sup>a</sup> The pellet mill baghouse will be installed within one year of issuance of the Tier II operating permit refer to Permit Condition 13.

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## 2. FACILITY-WIDE CONDITIONS

Table 2.1 below contains a summary of requirements that apply generally to emissions units at the facility.

Table 2.1: SUMMARY OF FACILITY-WIDE REQUIREMENTS

| Permit Conditions | Parameter                            | Permit Limit/Standard Summary   | Applicable Requirements Reference | Monitoring and Recordkeeping Requirements |
|-------------------|--------------------------------------|---|-----------------------------------|---|
| 2.1, 2.2          | Fugitives                            | Reasonable control of fugitive dust; Fugitive Dust Management Plan                          | IDAPA 58.01.01.650-651            | 2.2, 2.3, 2.4                             |
| 2.5               | PM <sub>10</sub> and SO <sub>2</sub> | Ambient monitoring requirements; No source or significant contribution to a NAAQS violation | IDAPA 58.01.01.493-02             | 2.5.1 - 2.5.5                             |
| 2.6-2.7           | Criteria pollutants                  | Performance testing requirements  | IDAPA 58.01.01.406-02             | 2.6 - 2.14                                |

### Fugitive Emissions Requirements

2.1 All reasonable precautions shall be taken to prevent PM from becoming airborne in accordance with IDAPA 58.01.01.650-651. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:

- Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands.
- Application, where practical, of asphalt, water, or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust.
- Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
- Covering, where practical, of open bodied trucks transporting materials likely to give rise to airborne dusts.
- Paving of roadways and their maintenance in a clean condition, where practical.
- Prompt removal of earth or other stored material from streets, where practical.

[IDAPA 58.01.01.650-651, 5/1/84]

2.2 Within 60 days of the issuance of the Tier II operating permit, the permittee shall implement the following Fugitive Dust Management Plan to control fugitive emissions. The permittee shall monitor and maintain weekly records of any and all actions taken to comply with the measures, including, but not limited to, frequency of application or observation, type and quantity of suppressant applied, the extent and date(s) of any deviation from any provision of Facility-wide Condition 2.2, and corrective actions implemented to correct any deviation(s).

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- Operate atomizing sprays at the coal unloading station (Emissions Unit No. F-04) during any material moving activities at the unloading station.
- Install and operate fugitive dust spray bar systems on all rolling stock, with the exception of the coal rolling packer and temporary rental equipment, associated with operations in the vicinity of the coal storage area.
- Inspect and maintain the burn and loss at the eastern boundary of the facility as necessary, but not less than annually.
- Apply water or a water/CSB dust suppressant to all facility roads, coal and coke haul roads, and beet unloading areas as necessary, but not less than weekly from May 1 through October 31 of each year.
- Apply water to the coal pile, at least biweekly during unloading and transfer activities.
- Apply a surfactant to the coal pile, at least once per year after the coal storage area has reached final grade.

[IDAPA 58.01.01.405.01, 5/4/04]

- 2.3 The permittee shall maintain and record all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receipt of a valid complaint. The records shall include, at a minimum, the date each complaint was received and a description of the following: the complaint, the permittee's assessment of the validity of the complaint, any corrective action taken, and the date the corrective action was taken.

[IDAPA 58.01.01.405.01, 5/4/04]

- 2.4 Unless specified elsewhere in this permit, the permittee shall conduct a monthly facility-wide inspection of potential sources of fugitive emissions, during daylight hours and under normal operating conditions to ensure that the methods used to reasonably control fugitive emissions are effective. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each monthly fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.

[IDAPA 58.01.01.405.01, 5/4/04]

### **Ambient Monitoring Requirements**

- 2.5 Within 12 months of Tier II operating permit issuance, the permittee shall install, maintain, and operate two reference PM<sub>10</sub> (one TEOM and one high volume), one reference SO<sub>2</sub>, and meteorological monitoring equipment at a location(s) approved by the Department. Ambient air quality monitoring shall be performed to collect data on meteorological parameters and ambient concentrations of PM<sub>10</sub> and SO<sub>2</sub>, as follows:

- 2.5.1 The permittee shall submit an ambient monitoring protocol to the Department for approval within 120 days of Tier II operating permit issuance. The protocol shall provide the specifications on the monitoring equipment and define the operating parameters for conducting the monitoring. The protocol when approved shall become part of the terms and conditions of the Tier II operating permit.

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~~2.5.1 The ambient air monitoring site location(s) shall be selected through modeling analysis. The permittee shall submit a modeling analysis protocol to the Department for approval within 60 days of Tier II operating permit issuance. The permittee shall conduct and submit the modeling analysis for placing the monitors, with all backup data requested by the Department, for approval within 60 days after the modeling protocol is approved.~~

~~2.5.2 The permittee shall make the PM<sub>10</sub>, TSP, and SO<sub>2</sub> monitoring station(s) data accessible to the Department on a real time basis via telemetry. All monitoring data shall also be submitted to the Department in accordance with the ambient monitoring protocol approved by the Department. The data shall be subject to Department quality assurance review. The Department may make all valid ambient air quality data available to the public.~~

~~2.5.4 The permittee may discontinue maintenance and operation of the SO<sub>2</sub> ambient air quality monitor at any time after all of the requirements of Permit Condition 19.4 have been satisfied.~~

~~2.5.5 The permittee may discontinue maintenance and operation of the PM<sub>10</sub> ambient air quality monitors at any time after all of the requirements of Permit Condition 19.8 have been satisfied.~~

~~(IDAPA 56.01.01.405.02, 417.04, IDAPA 56.01.01.405.01(c), 511.04)~~

**Performance Testing Requirements**

~~2.6 For all required performance testing, the permittee shall provide notice of intent to test to the Department at least 45 days prior to the scheduled test or shorter time period as provided in a permit, order, consent decree, or by Department approval. The Department may, at its option, have an observer present at any emissions tests conducted on a source. The Department requests such testing not be performed on weekends or state holidays.~~

~~All testing shall be conducted in accordance with the procedures in IDAPA 56.01.01.157. Without prior Department approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by the Department for any testing deviations, the Department may determine that the testing does not satisfy the testing requirements. Therefore, prior to conducting any compliance test, the permittee is strongly encouraged to submit in writing to the Department, at least 60 days in advance, the following for approval:~~

- ~~1. The type of method to be used~~
- ~~2. Any extraordinary or unusual circumstances regarding the proposed test~~
- ~~3. The proposed schedule for conducting and reporting the test~~

~~Within 90 days following the date on which a compliance test required by this permit is concluded, the permittee shall submit to the Department a compliance test report for the respective test. The compliance test report shall include a description of the process, identification of the method used or equipment used, all process operating data collected during the test period, and test results as well as raw test data and associated documentation, including any approved test protocol.~~

~~The proposed test date(s), test date rescheduling notice(s), compliance test report, and all other correspondence shall be sent to the following:~~

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~~Air Quality Permit Compliance  
Department of Environmental Quality  
 Boise Regional Office  
1445 N. Orchard  
Boise, ID 83706-2200  
Telephone: (208) 373-0550 Fax: (208) 373-0397~~

~~IDAPA 58.01.01.157, 4/5/00; IDAPA 58.01.01.105.02, 5/1/04;~~

- 2.7 For all required performance testing, the permittee shall use the test methods described in Table 2.2 to measure the pollutant emissions.

Table 2.2: APPROVED TEST METHODS

| Pollutant                 | Test Method <sup>a</sup>         | Special Conditions  |
|---------------------------|----------------------------------|---|
| PM <sub>10</sub>          | EPA Method 201.a. and Method 202 |   |
| <del>PM</del>             | <del>EPA Method 5</del>          |   |
| <del>NO<sub>x</sub></del> | <del>EPA Method 7</del>          |   |
| <del>SO<sub>2</sub></del> | <del>EPA Method 9</del>          |   |
| <del>CO</del>             | <del>EPA Method 40</del>         |   |
| <del>VOC</del>            | <del>EPA Method 80</del>         |   |
| <del>Opacity</del>        | <del>EPA Method 9</del>          | <del>For an HOPS source, use IDAPA 58.01.01.020 and Method 9. For other sources, use IDAPA 58.01.01.020 only.</del> |

<sup>a</sup> Or Department-approved alternative in accordance with IDAPA 58.01.01.157

~~[IDAPA 58.01.01.157.02, 4/5/00]~~

- ~~2.8 For all required performance testing, the permittee shall address the required averaging period specified in accordance with IDAPA 58.01.01.670 and the altitude correction in IDAPA 58.01.01.680 prior to conducting the test.~~

~~[IDAPA 58.01.01.105.02, 5/1/04]~~

- ~~2.9 For all required performance testing, a visible emissions evaluation shall be performed during each test. The visible emissions evaluation shall be conducted in accordance with the procedures contained in IDAPA 58.01.01.625.~~

~~[IDAPA 58.01.01.105.02, 5/1/04]~~

**~~Performance Testing Schedule~~**

- 2.10 Within 120 days of issuance of the Tier II operating permit and before the end of the 2002/2003 beet campaign, the permittee shall conduct performance tests as required in Facility-wide Condition 2.10.1.
- 2.10.1 Performance tests shall be conducted on the South, Center and North dryers to demonstrate compliance with the emissions limits for PM<sub>10</sub> in Permit Condition 13.2. The dryer shall be tested with coal as the exclusive fuel. The permittee shall monitor and record the throughput of the dryer, coal feed rate in tons per hour, and scrubber differential pressure of the scrubbers during each test. Throughput of the dryer shall be represented by the sum of the masses of coal, wet pulp, and CSB fed to the dryer. The permittee shall collect a representative sample of recirculated water from the scrubber during each test. The concentration of TDS in the sample water shall be analyzed, recorded, and expressed in milligrams of solids per liter of water.

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2.10.2 If the PM<sub>10</sub> emissions rate measured in the performance test conducted in accordance with Facility-wide Condition 2.10.1 is less than or equal to 75% of the PM<sub>10</sub> emissions standard in Facility-wide Condition 13.2, no further testing shall be required. If the PM<sub>10</sub> emissions rate measured during the performance test conducted in accordance with Facility-wide Condition 2.10.1 is greater than 75%, but less than or equal to 90% of the PM<sub>10</sub> emissions standard in Facility-wide Condition 13.2, a second test shall be required in the third year of the permit term. If the PM<sub>10</sub> emissions rate measured during the performance test conducted in accordance with Facility-wide Condition 2.10.1 is greater than 90% of the PM<sub>10</sub> emissions standard in Facility-wide Condition 13.2, the permittee shall conduct a compliance test annually.

**NDAPA-59.04.01-405.02-541/04**

2.11 The permittee shall conduct performance tests as required in Facility-wide Conditions 2.11.1 through 2.11.5 during the first beet campaign following fulfillment of the provisions of Permit Condition 13.4.

2.11.1 Performance tests shall be conducted on the B&W No. 1 boiler, the B&W No. 2 boiler, and the Riley boiler to demonstrate compliance with the emissions limits for PM<sub>10</sub> and CO in Permit Condition 3.3. The performance test shall be conducted after the requirements of Permit Condition 13.4.2 have been satisfied. For the PM<sub>10</sub> performance test, the boilers shall be tested with coal as the exclusive fuel. For the CO performance test, the boilers shall be tested with natural gas as the exclusive fuel. The permittee shall monitor and record the steam production rate of each boiler; coal feed rate to each boiler in tons per hour or natural gas firing rate in MMscf/hr; the highest heating value and analysis results, including ash content, for the performance test with coal; and pressure drop across each baghouse during each test.

2.11.2 Performance tests shall be conducted on the B&W No. 1, B&W No. 2, and Riley boilers to demonstrate compliance with the emissions limit for PM in Permit Condition 3.4. The performance test shall be conducted after the requirements of Permit Condition 13.4.2 have been satisfied. The tests shall be conducted with coal as the exclusive fuel in the boilers. The permittee shall monitor and record the steam production rate of each boiler; coal feed rate to each boiler in tons per hour; the highest heating value and analysis results, including ash content, for the coal; and pressure drop across the baghouse during each test.

2.11.3 Performance tests shall be conducted on the pellet mills to demonstrate compliance with the emissions limits for PM<sub>10</sub> in Permit Condition 6.3. The performance test shall be conducted after the requirements of Permit Condition 6.6 have been satisfied. The permittee shall monitor and record total throughput of the mills and the pressure drop across the baghouse during each test. Total throughput of the mills will be determined by the dry shred weight-o-meter.

2.11.4 Performance tests shall be conducted on the lime kilns to demonstrate compliance with the emissions limits for PM<sub>10</sub> and CO in Permit Condition 7.3. The permittee shall monitor and record the lime rock throughput of each kiln and the pressure drop across the baghouse during each test.

2.11.5 If an emissions rate measured in the initial performance test conducted pursuant to Permit Condition 2.11.1 is less than or equal to 75% of an applicable emissions standard in Permit Condition 3.3, no further testing shall be required. If an emissions rate measured during the performance test conducted pursuant to Permit Condition 2.11.1 is greater than 75%, but less than or equal to 90% of an applicable emissions standard in Permit Condition 3.3, a second test shall be required in the third year of the permit term. If an emissions rate measured during the performance test conducted pursuant to Permit Condition 2.11.1 is greater than 90% of an applicable emissions standard in Permit Conditions 3.3, the permittee shall conduct a performance test annually.

**NDAPA-59.04.01-405.02-541/04**



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2.12 The permittee shall conduct performance tests as required in Facility-wide Conditions 2.12.1 through 2.12.3 during the second beet campaign following fulfillment of the provisions of Permit Condition 13.4.

2.12.1 Performance tests shall be conducted on the Union boiler to demonstrate compliance with the emissions limits for PM<sub>10</sub> and CO in Permit Condition 4.3. The permittee shall monitor and record the steam production rate of the boiler and the natural gas-firing rate of the boiler during each test.

2.12.2 Performance tests shall be conducted on the process slakers to demonstrate compliance with the emissions limits for PM<sub>10</sub> in Permit Condition 8.3 and the emissions limit for PM in Permit Condition 8.4. The permittee shall monitor and record the calcium oxide rock throughput of each process slaker and the scrubber nozzle header pressure during each test.

2.12.3 Performance tests shall be conducted on the drying granulator to demonstrate compliance with the emissions limits for PM<sub>10</sub> in Permit Condition 9.3 and the emissions limits for PM in Permit Condition 9.4. The permittee shall monitor and record the throughput of the drying granulator and the brix of the scrubber fluid during each test.

~~(BADA-58-04-04-105-02, 5/4/04)~~

2.13 The permittee shall conduct performance tests as required in Facility-wide Conditions 2.13.1 through 2.13.3 during the third beet campaign following fulfillment of the provisions of Permit Condition 13.4.

2.13.1 Performance tests shall be conducted on the No. 1 cooling granulator to demonstrate compliance with the emissions limits for PM<sub>10</sub> in Permit Condition 10.3. The permittee shall monitor and record the throughput of the granulator and the pressure drop across the baghouse during each test.

2.13.2 Performance tests shall be conducted on the process No. 2, specialties, and packaging-line sugar handling systems to demonstrate compliance with the emissions limits for PM<sub>10</sub> in Permit Condition 11.3 and the applicable emissions limit for PM in Permit Conditions 11.4 or 11.5. The permittee shall monitor and record the throughput of the sugar handling system and the pressure drop across the baghouse during each test.

2.13.3 Performance tests shall be conducted on the lime kiln building baghouse during the third year of the permit term to demonstrate compliance with the emissions limit for PM<sub>10</sub> in Permit Condition 12.3. The permittee shall monitor and record the total throughput of lime rock to the kilns and the pressure drop across the lime kiln building baghouse during each test.

~~(BADA-58-04-04-105-02, 5/4/04)~~

2.14 The permittee shall conduct performance tests as required in Facility-wide Conditions 2.14.1 through 2.14.2 during the first beet campaign following fulfillment of the provisions of Permit Condition 13.8.

2.14.1 Performance tests shall be conducted on the South dryer to demonstrate compliance with the emissions limits for PM<sub>10</sub> and CO in Permit Condition 5.3. For the PM<sub>10</sub> performance test, the dryer shall be tested with coal as the exclusive fuel. For the CO performance test, the dryer shall be tested with natural gas as the exclusive fuel. The performance test shall be conducted after the requirements of Permit Condition 13.8 have been satisfied. The permittee shall monitor and record the tons of wet pulp and CSB fed to the dryer, coal feed rate in tons per hour or natural gas-firing rate in MMscf/hr, and scrubber differential pressure of the scrubbers during each test. The permittee shall collect a representative sample of recirculated water from the scrubber during each test. The concentration of TDS in the sample water shall be analyzed, recorded, and expressed in milligrams of solids per liter of water.

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2.14.2 Performance tests shall be conducted on the South dryer to demonstrate compliance with the emissions limit for PM in Permit Condition 5.4. The tests shall be conducted with coal as the exclusive fuel in the dryer. The performance test shall be conducted after the requirements of Permit Condition 13.8 have been satisfied. The permittee shall monitor and record the tons of wet pulp and CSB fed to the dryer, coal feed rate in tons per hour, and scrubber differential pressure of the scrubbers during each test. The permittee shall collect a representative sample of recirculated water from the scrubber during each test. The concentration of TDS in the sample water shall be analyzed, recorded, and expressed in milligrams of solids per liter of water.

**[IDAPA 66.04.04.105.02, 61434]**

**Operations and Maintenance Manual Requirements**

~~2.15 The permittee shall develop an O&M manual for the appropriate emissions control device(s) each of the following sources: (a) the B&W No. 1, B&W No. 2, and Riley boilers; (b) the South, Center, and North dryers; (c) the No. 1, 2, 3, 4, and 5 pellet mills; (d) the A and B lime kilns; (e) A and B process closets; (f) the drying granulator; (g) the No. 1 and No. 2 cooling granulators; (h) the process No. 2, specialty, and packaging line sugar handling systems; and (i) the lime kiln building. The permittee shall develop each O&M manual within the one year of issuance of the Tier II operating permit.~~

~~2.15.1 After the initial O&M manual development, the permittee shall update the control device monitoring program in the O&M manuals after each Department approved performance test.~~

~~2.15.2 The O&M manuals shall address the operation, maintenance, and repair of applicable control devices for each source to ensure good working order and operation as efficiently as practicable. The manuals shall include, at a minimum, a general description of the control device(s), normal operating conditions and procedures, startup, shutdown, and maintenance procedures, upset conditions and corrective procedures, methods of preventing malfunctions, appropriate corrective actions to be taken, provisions for monthly inspections during regular operations, and provisions for annual inspections during planned maintenance outages. The permittee shall keep records of maintenance activities in accordance with Facility Rule Condition 2.18.~~

~~2.15.3 The O&M manuals shall include a control device monitoring program that establishes control device operating parameters to be monitored, their acceptable operating ranges, corrective action levels, monitoring equipment and procedures, monitoring frequency, and frequency of record keeping. The monitoring parameters shall include, but are not limited to, any specific control device monitoring parameters required under any permit condition in this permit, unless the Department approves their removal from this permit condition. The control device monitoring program shall be developed by the permittee based on performance test results, vendor data, and other supporting documentation.~~

~~2.15.4 The O&M manuals shall be maintained onsite and shall be made available to Department representatives upon request.~~

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~~2.15.5 Whenever an operating parameter is outside the operating range specified by the control device monitoring program in an O&M manual, the permittee shall take corrective action as expeditiously as practicable to bring the operating parameter back within the operating range. Deviations from the operating range may not by themselves be considered deviations from applicable emissions standards, unless the Department determines that the frequency, duration, or magnitude of the deviations indicates that additional action is required.~~

~~[IDAPA 58.04.04.405.04, 5/1/04]~~

**Monitoring and Recordkeeping Requirements**

2.16 The permittee shall maintain sufficient recordkeeping to assure compliance with all of the terms and conditions of this operating permit. Records of monitoring information shall include, but not be limited to the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to Department representatives upon request.

~~[IDAPA 58.04.04.405.04, 5/1/04]~~

**Reporting and Certification Requirements**

~~2.17 Any reporting required by this permit, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete. Any reporting required by this permit shall be submitted to the following:~~

~~Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, ID 83708-2239  
Telephone: (208) 372-8550 Fax: (208) 373-0287~~

~~[IDAPA 58.04.04.421, 5/1/04; IDAPA 58.04.04.405.04, 5/1/04]~~

**Obligation to Comply**

~~2.18 Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state, and federal rules and regulations.~~

~~[IDAPA 58.04.04.405, 5/1/04]~~

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**3. EMISSIONS UNIT – B&W NO. 1, B&W NO. 2, AND RILEY BOILERS (S-B1, S-B2, S-B3)**

**3.1 Process Description**

~~The three boilers permitted in this section are fired by pulverized coal and/or natural gas, and are used to supply steam for processes at the facility. Table 3.1 contains a description of each boiler.~~

**Table 3.1: BOILER DESCRIPTIONS**

| Boiler                          | Unit Number     | Installation Date | Rated Steam Capacity (lb/hr) |
|---------------------------------|-----------------|-------------------|------------------------------|
| <del>B&amp;W No. 1 boiler</del> | <del>S-B1</del> | <del>1942</del>   | <del>105,000</del>           |
| <del>B&amp;W No. 2 boiler</del> | <del>S-B2</del> | <del>1942</del>   | <del>105,000</del>           |
| <del>Riley boiler</del>         | <del>S-B3</del> | <del>1948</del>   | <del>250,000</del>           |

**3.2 Control Description**

~~Emissions from the B&W No. 1 and 2 boilers are controlled by a single baghouse (Unit No. A-B1/B2) manufactured by Western Precipitation/Leiy Manufacturing Co. Emissions from the Riley boiler are controlled by a baghouse (Unit No. A-B3) manufactured by Envirotech Corp.~~

**Emissions Limits**

**3.3 Emissions Limits**

Total emissions of PM<sub>10</sub> and CO from the B&W No. 1, B&W No. 2, and Riley boilers shall not exceed any corresponding emissions rate limits listed in the following table:

~~(B&W No. 1 & 2 & Riley Boilers)~~

**Table 3.2: EMISSIONS LIMITS FOR COAL/NATURAL GAS BOILERS**

| Source Description / Unit Number | PM <sub>10</sub> |       | CO             |                 |
|----------------------------------|------------------|-------|----------------|-----------------|
|                                  | lb/hr            | T/yr  | lb/hr          | T/yr            |
| B&W No. 1 boiler / S-B1          | 138.1            | 604.3 | <del>284</del> | <del>2500</del> |
| B&W No. 2 boiler / S-B2          |                  |       |                |                 |
| Riley boiler / S-B3              |                  |       |                |                 |

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## 3.4 Grain Loading Limit

The permittee shall not discharge PM to the atmosphere from the DSW No. 1, DSW No. 2, or Piley boiler in excess of the concentrations shown in Table 3.2. When two fuels are burned concurrently, the allowable emissions shall be determined by proportioning the gross heat input and emissions standard for each fuel. The effluent gas volume shall be corrected to the oxygen concentration shown.

Table 3.2: ALLOWABLE PARTICULATE EMISSIONS BASED ON FUEL TYPE

| Fuel Type                                    | Allowable Particulate Emissions (lb/1000 scf) | Percent Oxygen |
|--|---|----------------|
| Coal, or combination of coal and natural gas | $0.100(P_1) + 0.011(P_2)$                     | 8.0            |
| Natural gas                                  | 0.010   | 8.0            |

<sup>1</sup> percent of total heat input derived from the combustion of coal

<sup>2</sup> percent of total heat input derived from the combustion of natural gas

[IDAPA 58.04.01.001-070, 8/1/04; Permit No. 10-0420-0010, 04/2/04]

## Operating Requirements

### 3.5 Throughput Limits

For each boiler, the maximum allowable coal feeding rate and natural gas-firing rate shall be limited to 120% of the average feed and firing rate attained during the most recent performance test conducted pursuant to Facility-wide Conditions 2.11.1 or 2.11.2, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such a feed or firing rate would cause emissions to exceed any emissions limit(s) set forth in this permit.

[IDAPA 58.04.01.005.01, 8/1/04]

### 3.6 Fuel Limits

The permittee shall not use or fire coal with a sulfur content greater than 1% by weight.

[IDAPA 58.04.01.005, 8/1/04; IDAPA 58.04.01.005.01, 8/1/04]

### 3.7 Baghouse Operating Requirements

The baghouses shall be operated and maintained at all times during boiler operation. The pressure drop across each of the baghouses shall be maintained within manufacturer or O&M manual specifications.

[IDAPA 58.04.01.005.01, 8/1/04]

## Monitoring and Recordkeeping Requirements

### 3.8 Boiler Monitoring Requirements

The permittee shall monitor and record the information listed in Permit Conditions 3.8.1-3.8.8 for each boiler. The records shall be maintained in accordance with Facility-wide Condition 2.16.

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**Location:** Nampa, Idaho

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- 3.8.1 The average daily coal feed rate in tons per hour.
- 3.8.2 The coal feed rate for each consecutive 12-month period in tons per year.
- 3.8.3 The daily hours of operation with coal.
- 3.8.4 The heat input rate expressed in millions of British thermal units per hour by correlating the coal feed rate with the coal high-heating value.
- 3.8.5 The average daily natural gas-firing rate in millions of standard cubic feet per hour.
- 3.8.6 The natural gas-firing rate for each consecutive 12-month period in millions of standard cubic feet per year.
- 3.8.7 The daily hours of operation with natural gas.
- 3.8.8 The fuel type whenever the fuel type is changed. Fuel type in this section means natural gas only, coal only, or the combination of natural gas and coal.

[IDAPA 58.01.01.105.01, 511.04]

**3.9 Baghouse Monitoring Requirements**

The permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the pressure drop across each of the baghouses. The pressure drop shall be recorded once per week while the boilers are in operation. In the event the measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

[IDAPA 58.01.01.105.01, 511.04]

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

Permittee: The Amalgamated Sugar Co. LLC  
 Location: Nampa, Idaho

Date Issued: September 30, 2002  
~~Date Expires: September 30, 2007~~

**4. EMISSIONS UNIT – UNION BOILER (S-B4)**

~~4.1 Process Description~~

~~The Union boiler is fired exclusively by natural gas and is used to supply steam to processes at the facility. This boiler was installed in 1957 and has a steaming capacity of 60,000 lb/hr.~~

~~4.2 Control Description~~

~~Emissions from the Union boiler are uncontrolled.~~

**Emissions Limits**

**4.3 Emissions Limits**

Emissions of PM<sub>10</sub> and CO from the Union boiler shall not exceed any corresponding emissions rate limits listed in Table 4.1.

[BAPA-00-01-01-105; 6/1/04]

Table 4.1: EMISSIONS LIMITS FOR UNION BOILER

| Source Description /<br>Unit Number | PM <sub>10</sub> |      | CO    |      |
|-------------------------------------|------------------|------|-------|------|
|                                     | lb/hr            | T/yr | lb/hr | T/yr |
| Union boiler / S-B4                 | 1.6              | 6.8  | 8.0   | 28.8 |

~~4.4 Grain Loading Limit~~

~~The permittee shall not discharge PM to the atmosphere from the Union boiler in excess of 0.045 grains of effluent gas corrected to 2% oxygen by volume.~~

[BAPA-00-01-01-077; 6/1/04]

**Operating Requirements**

**4.5 Throughput Limits**

The maximum allowable natural gas-firing rate of the Union boiler shall be limited to 120% of the average firing rate attained during the most recent performance test conducted pursuant to Facility-wide Condition 2.12.1, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such a firing rate would cause emissions to exceed any emissions limit(s) set forth in this permit.

[BAPA-00-01-01-105-01; 6/1/04]

**4.6 Fuel Limit**

The Union boiler shall be fired exclusively by natural gas.

[BAPA-00-01-01-105-01; 6/1/04]

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**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

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**Monitoring and Recordkeeping Requirements**

**4.7 Boiler Monitoring Requirements**

The permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the natural gas-firing rate of the boiler. The daily hours of operation shall be recorded and the average daily firing rate shall be recorded in millions of standard cubic feet per hour. The natural gas-firing rate for each consecutive 12-month period shall be recorded in millions of standard cubic feet per year. In the event the measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

[IDAP 1.02.04.01, 105.04, 54154]



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Permittee: The Amalgamated Sugar Co. LLC  
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## 5. EMISSIONS UNIT – PULP DRYERS (S-D1, S-D2, S-D3)

### 5.1 Process Description

The three direct fired pulp dryers are used to dry processed beet pulp and DDG for production of cattle feed. The dryers are pulverized coal and natural gas-fired. Table 5.1 contains a description of each dryer.

Table 5.1: DRYER DESCRIPTIONS

| Dryer  | Unit Number | Installation Date | Input Design Capacity (T/hr) |
|--------|-------------|-------------------|------------------------------|
| South  | S-D1        | 1983              | 55                           |
| Center | S-D2        | 1800              | 85                           |
| North  | S-D3        | 1950              | 95                           |

Within the fifth year of the permit term, the Center and North dryers will be replaced by a steam dryer system (refer to Permit Condition 13.8 of the Compliance Schedule in this permit).

### 5.2 Control Description

Each exhaust stream from the South and Center dryers is split into two streams. The exhaust streams from each dryer are then controlled by a cyclone and a spray impingement type scrubber in series. Emissions from the North dryer are controlled by a cyclone and a spray impingement type scrubber in series.

Table 5.2: DRYER CONTROL DESCRIPTIONS

| Emissions Unit/Unit Number | Emissions Control Device and Unit Number   |
|----------------------------|--|
| South pulp dryer / S-D1    | One cyclone and one spray impingement type scrubber in series / east stack (A-D1A and A-D1B) |
|                            | One cyclone and one spray impingement type scrubber in series / west stack (A-D1A and A-D1B) |
| Center pulp dryer / S-D2   | One cyclone and one spray impingement type scrubber in series / east stack (A-D2A and A-D2B) |
|                            | One cyclone and one spray impingement type scrubber in series / west stack (A-D2A and A-D2B) |
| North pulp dryer / S-D3    | One cyclone and one spray impingement type scrubber in series (A-D3A and A-D3B)              |

## Emissions Limits

### 5.3 Emissions Limits

Upon fulfillment of the requirements of Permit Condition 13.8, emissions of PM<sub>10</sub> and CO from the South dryer shall not exceed any corresponding emissions rate limits listed in Table 5.3.

[DADA-ES-01.04.103, E-104]

Table 5.3: EMISSIONS LIMITS FOR SOUTH DRYER

| Source Description / Unit Number | PM <sub>10</sub> |      | CO    |      |
|----------------------------------|------------------|------|-------|------|
|                                  | lb/hr            | T/yr | lb/hr | T/yr |
| South pulp dryer / S-D1          | 18.7             | 82.0 | 488.8 | 5502 |

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**5.4 Process Weight Rate Limit**

~~The permittee shall not emit PM to the atmosphere from any of the pulp dryers in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in pounds per hour and PW is the process weight in pounds per hour.~~

~~If PW is less than 17,000 lb/hr,~~

~~$E = 0.045(PW)^{0.80}$~~

~~If PW is equal to or greater than 17,000 lb/hr,~~

~~$E = 1.12(PW)^{0.27}$~~

~~(IDAPA 58.01.01.702, 4/5/00)~~

**Operating Requirements**

**5.5 Throughput Limits**

The maximum allowable throughput, coal feed rate, and natural gas-firing rate of the dryers shall be limited 120% to the average rate attained during the most recent performance test conducted pursuant to Facility-wide Conditions 2.10 or 2.14, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such rates would cause emissions to exceed any emissions limit(s) set forth in this permit. Throughput of each dryer shall be represented by the sum of the masses of coal, if applicable, wet pulp, and CSB fed to the dryer, and shall in no case exceed 85 tons per hour for either the South or Center dryer, nor 25 tons per hour for the North dryer.

~~(IDAPA 58.01.01.405.01, 5/4/04)~~

**5.6 Fuel Limit**

~~The permittee shall not use or fire coal with a sulfur content greater than 4% by weight.~~

~~(IDAPA 58.01.01.725, 5/4/04)~~

**5.7 Cyclone and Scrubber Operating Requirements**

~~The cyclones and scrubbers shall be operated and maintained at all times during dryer operation. The scrubber differential pressure of the scrubbers shall be maintained within manufacturer or O&M manual specifications.~~

~~(IDAPA 58.01.01.405.01, 5/4/04)~~

**5.8 Scrubber Water Requirements**

~~The concentration of TDS in the scrubber water shall be maintained within manufacturer or O&M manual specifications.~~

~~(IDAPA 58.01.01.405.01, 5/4/04)~~

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**Monitoring and Recordkeeping Requirements**

**5.9 Dryer Monitoring Requirements**

The permittee shall monitor and record the information in Permit Conditions 5.9.1-5.9.9 for each dryer. The records shall be maintained in accordance with Facility-wide Condition 2.16.

- 5.9.1 The average daily coal feed rate in tons per hour.
- 5.9.2 The coal feed rate for each consecutive 12-month period in tons per year.
- 5.9.3 The daily hours of operation with coal.
- 5.9.4 The average daily natural gas-firing rate in millions of standard cubic feet per hour.
- 5.9.5 The natural gas-firing rate for each consecutive 12-month period in millions of standard cubic feet per year.
- 5.9.6 The daily hours of operation with natural gas.
- 5.9.7 The average daily throughput in tons per hour.
- 5.9.8 The throughput rate for each consecutive 12-month period in tons per year.
- 5.9.9 The dryer fuel type whenever the fuel type is changed. Fuel type in this section means natural gas only, coal only, or the combination of natural gas and coal.

**[IDAPA 58.04.04.405.01, 5/1/04]**

**5.10 Scrubber Monitoring Requirements**

The permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the scrubber differential pressure of the scrubbers. The scrubber differential pressure shall be recorded once per week while the dryers are in operation. In the event the measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

**[IDAPA 58.04.04.405.01, 5/1/04]**

**5.11 Scrubber Water Monitoring Requirements**

The permittee shall collect a representative sample of recirculated water from the scrubber biweekly from the start through the end of the campaign. The concentration of TDS in the sample water shall be analyzed and recorded in milligrams of solids per liter of water. The records shall be maintained in accordance with Facility-wide Condition 2.16.

**[IDAPA 58.04.04.405.01, 5/1/04]**

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**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
**Date Expires:** September 30, 2007

**6. EMISSIONS UNIT – PELLET MILLS (S-D4, S-D5, S-D6, S-D7, S-D8)**

**6.1 Process Description**

~~Pellet mills No. 1, 2, 3, 4, and 5 (Unit No. S-D4, S-D5, S-D6, S-D7, and S-D8, respectively) use forced ambient air to lower the temperature of the dry, pelletized pulp. The pellet mills are all manufactured by California Pellet Mill, and were installed at various dates ranging from 1956 to 1972. Pellet mills No. 1 and 5 each have rated capacities of 1.1 tons of pellets per hour. Pellet mills No. 2, 3, and 4 each have rated capacities of 8.8 tons of pellets per hour.~~

**6.2 Control Description**

~~Emissions from the pellet mills are controlled by five cyclones, one per each pellet mill exhaust stream (Unit No. A-D4, A-D5, A-D6, A-D7, and A-D8, respectively). Within the first year of the permit term, one common baghouse will be installed to reduce emissions from the pellet mills.~~

**Emissions Limits**

**6.3 Emissions Limits**

Upon fulfillment of the requirements of Permit Condition 13.4, total emissions of PM<sub>10</sub> from the pellet mills shall not exceed any corresponding emissions rate limits listed in Table 6.1.

[BAPR-59.04.04-193, 5/11/94]

**Table 6.1: EMISSIONS LIMITS FOR PELLET MILLS**

| Source Description /<br>Unit Number | PM <sub>10</sub> |      |
|-------------------------------------|------------------|------|
|                                     | lb/hr            | T/yr |
| Pellet mill No. 1 / S-D4            | 0.8              | 3.1  |
| Pellet mill No. 2 / S-D5            |                  |      |
| Pellet mill No. 3 / S-D6            |                  |      |
| Pellet mill No. 4 / S-D7            |                  |      |
| Pellet mill No. 5 / S-D8            |                  |      |

**6.4 Process Weight Rate Limit**

~~The permittee shall not emit PM to the atmosphere from the pellet mills in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in pounds per hour and PW is the process weight in pounds per hour.~~

~~— If PW is less than 17,000 lb/hr,~~

$$E = 0.045(PW)^{0.60}$$

~~— If PW is equal to or greater than 17,000 lb/hr,~~

$$E = 1.12(PW)^{0.27}$$

[BAPR-59.04.04-762, 4/6/90]

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
**Date Expires:** September 30, 2007

**Operating Requirements**

**6.5 Throughput Limits**

The total, combined pellet throughput of the mills shall be limited to the average, total throughput rate attained for the pellet mills during the most recent performance test conducted pursuant to Facility-wide Conditions 2.11.3, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such a throughput rate would cause emissions to exceed any emissions limit(s) set forth in this permit.

~~(BAPPA-00-01-01-103-01, 5/1/04)~~

**6.6 Baghouse Operating Requirements**

Within the first year of the permit term, a baghouse shall be installed on the pellet mills' exhaust stream(s) prior to release to the atmosphere. The baghouse shall be operated and maintained at all times during pellet mill operation. The pressure drop across the baghouse shall be maintained within manufacturer or O&M manual specifications.

~~(BAPPA-00-01-01-103-01, 5/1/04)~~

**Monitoring and Recordkeeping Requirements**

**6.7 Pellet Mill Monitoring Requirements**

The permittee shall monitor and record the information in Permit Conditions 6.7.1 and 6.7.2 for the pellet mills. The records shall be maintained in accordance with Facility-wide Condition 2.16.

6.7.1 The average daily throughput in T/hr;

6.7.2 The throughput for each consecutive 12-month period in T/yr.

~~(BAPPA-00-01-01-103-01, 5/1/04)~~

**6.8 Baghouse Monitoring Requirements**

Within the first year of the permit term, the permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the pressure drop across the baghouse. The pressure drop shall be recorded once per week while the pellet mills are in operation. In the event that any measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

~~(BAPPA-00-01-01-103-01, 5/1/04)~~

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Applicant: The Amalgamated Sugar Co. LLC  
Location: Nampa, Idaho

Date Issued: September 30, 2002  
Date Expires: September 30, 2007

## 7. EMISSIONS UNIT – A AND B LIME KILNS (S-K1, S-K2)

### 7.1 ~~Process Description~~

~~The A and B lime kilns (Unit No. S-K1 and S-K2, respectively) are used to produce burnt lime from a mixture of coke and lime rock. The kilns have a batch feed system, but operate continuously. Both kilns were manufactured by Belgium Lime Kiln. The A lime kiln was installed in 1942 and has a rated capacity of 298 tons of lime rock per day. The B lime kiln was installed in 1988 and has a rated capacity of 277 tons of lime rock per day.~~

### 7.2 ~~Control Description~~

~~Approximately 40% of the emissions from each kiln are controlled by a baghouse (Unit No. A-K4B). Emissions are only directed to the baghouse during kiln loading events. The remaining emissions (i.e., between loading events) from the A lime kiln are sent through two gas washers (Unit No. A-K4A) and the A lime kiln carbonation system (Unit No. A-K4B), in series. The remaining emissions (i.e., between loading events) from the B lime kiln are sent through the two gas washers (Unit No. A-K2A) and the B lime kiln carbonation system (Unit No. A-K2B), in series. After the carbonation systems, any excess CO emissions are vented to the atmosphere.~~

### Emissions Limits

#### 7.3 Emissions Limits

Emissions of PM<sub>10</sub> and CO from the lime kilns shall not exceed any corresponding emissions rate limits listed in Table 7.1.

[IDAPA-58.01.01.102, 6/4/04]

Table 7.1: EMISSIONS LIMITS FOR LIME KILNS

| Source Description /<br>Unit Number | PM <sub>10</sub> |      | CO              |                  |
|-------------------------------------|------------------|------|-----------------|------------------|
|                                     | lb/hr            | T/yr | lb/hr           | T/yr             |
| A lime kiln / S-K1                  | 0.1              | 0.4  | <del>4000</del> | <del>32000</del> |
| B lime kiln / S-K2                  | 0.1              | 0.5  | <del>4000</del> | <del>32000</del> |

#### 7.4 ~~Process Weight Rate Limit~~

~~The permittee shall not emit PM to the atmosphere from either of the lime kilns in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in pounds per hour and PW is the process weight in pounds per hour.~~

- ~~• If PW is less than 17,000 lb/hr,~~

~~$$E = 0.045(PW)^{0.80}$$~~

- ~~• If PW is equal to or greater than 17,000 lb/hr,~~

~~$$E = 1.12(PW)^{0.77}$$~~

[IDAPA-58.01.01.102, 4/8/04]

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
**Date Expires:** September 30, 2007

**Operating Requirements**

**7.5 Throughput Limits**

The maximum allowable lime rock throughput of each kiln shall be limited to 120% of the average throughput rates attained during the most recent performance test conducted pursuant to Facility-wide Condition 2.11.4, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such a throughput rate would cause emissions to exceed any emissions limit(s) set forth in this permit.

[IDAPA 58.01.01.400.01, 01104]

**~~7.6 Baghouse Operating Requirements~~**

~~The baghouse shall be operated and maintained at all times during kiln operation. The pressure drop across the baghouse shall be maintained within manufacturer or OEM manual specifications.~~

[IDAPA 58.01.01.400.01, 01104]

**Monitoring and Recordkeeping Requirements**

**7.7 Lime Kiln Monitoring Requirements**

The permittee shall monitor and record the information in Permit Conditions 7.7.1 and 7.7.2 for each lime kiln. The records shall be maintained in accordance with Facility-wide Condition 2.16.

7.7.1 The average daily lime rock throughput in tons per hour.

7.7.2 The lime rock throughput for each consecutive 12-month period in tons per year.

[IDAPA 58.01.01.400.01, 01104]

**7.8 Baghouse Monitoring Requirements**

The permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the pressure drop across the baghouse. The pressure drop shall be recorded once per week when the lime kilns are in operation. In the event the measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

[IDAPA 58.01.01.400.01, 01104]

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**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
**Date Expires:** September 30, 2007

**8. EMISSIONS UNIT – PROCESS SLAKERS (S-K4)**

**8.1 Process Description**

The facility operates two lime slakers (A and B) to produce milk of lime from crushed calcium oxide rocks and water. The slakers were manufactured by Ogden Iron Works and are operated as batch systems. The slakers were installed in 1968. The total rated capacity of both slakers is 257 tons of calcium oxide rock per day.

**8.2 Control Description**

Emissions from the slakers are controlled by one spray chamber-type scrubber (Unit No. A-K4).

**Emissions Limits**

**8.3 Emissions Limits**

Emissions of PM<sub>10</sub> from the process slakers shall not exceed any corresponding emissions rate limits listed in Table 8.1.

[IDAPA 52.01.01.405, 5/1/94]

Table 8.1: EMISSIONS LIMITS FOR PROCESS SLAKERS

| Source Description /<br>Unit Number | PM <sub>10</sub> |      |
|-------------------------------------|------------------|------|
|                                     | lb/hr            | T/yr |
| A and B process slakers / S-K4      | 1.4              | 6.1  |

**8.4 Process Weight Rate Limit**

The permittee shall not emit PM to the atmosphere from the process slakers in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in pounds per hour and PWR is the process weight in pounds per hour.

~~If PWR is less than 17,000 lb/hr,~~

$$E = 0.045(PWR)^{0.80}$$

~~If PWR is equal to or greater than 17,000 lb/hr,~~

$$E = 1.12(PWR)^{0.27}$$

[IDAPA 52.01.01.702, 4/3/00]

**Operating Requirements**

**8.5 Throughput Limits**

The maximum allowable calcium oxide rock throughput of each process slaker shall be limited to 120% of the average throughput rates attained during the most recent performance test conducted pursuant to Facility-wide Condition 2.12.2, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such a throughput rate would cause emissions to exceed any emissions limit(s) set forth in this permit.

[IDAPA 52.01.01.405.01, 5/1/94]



**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
~~**Date Expires:** September 30, 2007~~

**8.6 Scrubber Operating Requirements**

~~The scrubber shall be operated and maintained at all times during slaker operation. The scrubber nozzle header pressure shall be maintained within manufacturer or OEM manual specifications.~~

~~[IDAPA 58.04.01.405.01, 5/1/94]~~

**Monitoring and Recordkeeping Requirements**

**8.7 Process Slaker Monitoring Requirements**

The permittee shall monitor and record the information in Permit Conditions 8.7.1 and 8.7.2 for each process slaker. The records shall be maintained in accordance with Facility-wide Condition 2.16.

8.7.1 The average daily calcium oxide rock throughput in tons per hour.

8.7.2 The calcium oxide rock throughput for each consecutive 12-month period in tons per year.

~~[IDAPA 58.04.01.405.01, 5/1/94]~~

**8.8 Scrubber Monitoring Requirements**

The permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the scrubber nozzle header pressure. The scrubber nozzle header pressure shall be recorded once per week when the process slakers are in operation. In the event the measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

~~[IDAPA 58.04.01.405.01, 5/1/94]~~

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
**Date Expires:** September 28, 2007

**9. EMISSIONS UNIT – DRYING GRANULATOR (S-W1)**

**9.1 ~~Process Description~~**

~~The facility operates a drying granulator to dry wet sugar. The drying granulator was manufactured by TAPCO and installed in 1987 as a replacement for an existing drying granulator. The rated capacity of the granulator is 45 tons of sugar per hour.~~

**9.2 ~~Control Description~~**

~~Emissions from the drying granulator are controlled by a dust box type scrubber (Unit No. A-W1). The scrubber uses thin juice as the fluid scrubbing media.~~

**Emissions Limits**

**9.3 Emissions Limits**

Emissions of PM<sub>10</sub> from the drying granulator shall not exceed any corresponding emissions rate limits listed in Table 9.1.

[IDAPA 58.04.04.105, 5/1/04]

Table 9.1: EMISSIONS LIMITS FOR DRYING GRANULATOR

| Source Description /<br>Unit Number | PM <sub>10</sub> |      |
|-------------------------------------|------------------|------|
|                                     | lb/hr            | T/yr |
| Drying granulator / S-W1            | 1.1              | 5.0  |

**9.4 ~~Process Weight Rate Limit~~**

~~The permittee shall not emit PM to the atmosphere from the drying granulator in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in lb/hr and PWT is the process weight in lb/hr.~~

~~• If PWT is less than 0.250 lb/hr,~~

$$\del{E = 0.045(PWT)^{0.75}}$$

~~• If PWT is equal to or greater than 0.250 lb/hr,~~

$$\del{E = 1.40(PWT)^{0.25}}$$

[IDAPA 58.04.04.704, 4/5/00]

**Operating Requirements**

**9.5 Throughput Limits**

The maximum allowable throughput of the drying granulator shall be limited to 120% of the average throughput rates attained during the most recent performance test conducted pursuant to Facility-wide Condition 2.12.3, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such a throughput rate would cause emissions to exceed any emissions limit(s) set forth in this permit.

[IDAPA 58.04.04.105.04, 5/1/04]

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
**Date Expires:** September 30, 2007

**9.6 Scrubber Operating Requirements**

~~The scrubber shall be operated and maintained at all times during granulator operation. The brix of the scrubber fluid shall be maintained within manufacturer or GBM manual specifications. Brix is defined as percent solids in this juice.~~

~~(IDAPA 58.04.04.405.04, 5/1/04)~~

**Monitoring and Recordkeeping Requirements**

**9.7 Drying Granulator Monitoring Requirements**

The permittee shall monitor and record the information in Permit Conditions 9.7.1 and 9.7.2 for the drying granulator. The records shall be maintained in accordance with Facility-wide Condition 2.16.

9.7.1 The average daily throughput in tons per hour.

9.7.2 The throughput for each consecutive 12-month period in tons per year.

~~(IDAPA 58.04.04.405.04, 5/1/04)~~

**9.8 Scrubber Monitoring Requirements**

The permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the brix of the scrubber fluid. The brix shall be recorded once per day while the drying granulator is in operation. In the event the measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

~~(IDAPA 58.04.04.405.04, 5/1/04)~~

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
**Date Expires:** September 30, 2007

**10. EMISSIONS UNIT -- NO. 1 AND NO. 2 COOLING GRANULATORS (S-W2, S-W3)**

**10.1 Process Description**

~~The facility operates the No. 1 and 2 cooling granulators (Unit No. S-W2 and S-W3, respectively) to cool hot sugar from the drying granulator. The No. 1 cooling granulator was manufactured by Horsey and was installed in 1944. The No. 2 cooling granulator was manufactured by Great Western Sugar and was installed in 1984. For the Tier II operating permit application, the rated capacity of each granulator is 97.5 tons of sugar per hour.~~

**10.2 Control Description**

~~Emissions from the No. 1 and 2 cooling granulators are controlled by one of two baghouses (Unit No. A-W2 and A-W3, respectively). Both baghouses were manufactured by DFC, Inc.~~

**Emissions Limits**

**10.3 Emissions Limits**

Emissions of PM<sub>10</sub> from the cooling granulators shall not exceed any corresponding emissions rate limits listed in Table 10.1.

~~IDAAPA-00-01-01-100, 5/4/04~~

**Table 10.1: EMISSIONS LIMITS FOR COOLING GRANULATORS**

| Source Description /<br>Unit Number | PM <sub>10</sub> |      |
|-------------------------------------|------------------|------|
|                                     | lb/hr            | T/yr |
| No. 1 cooling granulator / S-W2     | 0.3              | 1.3  |
| No. 2 cooling granulator / S-W3     | 0.3              | 1.3  |

**10.4 Process Weight Rate Limit for Cooler No. 1**

~~The permittee shall not emit PM to the atmosphere from No. 1 cooling granulator in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in pounds per hour and PW is the process weight in pounds per hour.~~

- ~~• If PW is less than 17,000 lb/hr,  

$$E = 0.043(PW)^{0.80}$$~~
- ~~• If PW is equal to or greater than 17,000 lb/hr,  

$$E = 1.42(PW)^{0.77}$$~~

~~IDAAPA-00-01-01-102, 4/6/00~~

**10.5 Process Weight Rate Limit for Cooler No. 2**

~~The permittee shall not emit PM to the atmosphere from No. 2 cooling granulator in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in pounds per hour and PW is the process weight in pounds per hour.~~

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**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

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- ~~• If  $PW$  is less than 0.250 lb/hr,  
 $E = 0.045(PW)^{0.80}$~~
- ~~• If  $PW$  is equal to or greater than 0.250 lb/hr,  
 $E = 4.10(PW)^{0.25}$~~

~~[IDAPA 58.04.01.402.01, 5/1/00]~~

**Operating Requirements**

**10.6 Throughput Limits**

The maximum allowable throughput of each cooling granulator shall be limited to 120% of the average throughput rate attained during the most recent performance test conducted pursuant to Facility-wide Condition 2.13.1, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such throughput rates would cause emissions to exceed any emissions limit(s) set forth in this permit. The most recent Department-approved performance test conducted on the No. 1 cooling granulator shall be utilized to establish throughput limits for the No. 2 cooling granulator.

~~[IDAPA 58.04.01.402.01, 5/1/00]~~

~~**10.7 Baghouse Operating Requirements**~~

~~The baghouses shall be operated and maintained at all times during granulator operation. The pressure drop across the baghouses shall be maintained within manufacturer or O&M manual specifications.~~

~~[IDAPA 58.04.01.402.01, 5/1/00]~~

~~**Monitoring and Recordkeeping Requirements**~~

**10.8 Cooling Granulator Monitoring Requirements**

The permittee shall monitor and record the information in Permit Conditions 10.8.1 and 10.8.2 for each cooling granulator. The records shall be maintained in accordance with Facility-wide Condition 2.18.

10.8.1 The average daily throughput in tons per hour.

10.8.2 The throughput for each consecutive 12-month period in tons per year.

~~[IDAPA 58.04.01.402.01, 5/1/00]~~

**10.9 Baghouse Monitoring Requirements**

The permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the pressure drop across each of the baghouses. The pressure drops shall be recorded once per week while the cooling granulators are in operation. In the event the measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

~~[IDAPA 58.04.01.402.01, 5/1/00]~~

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Applicant:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date issued:** September 30, 2002  
**Date Expires:** September 30, 2007

**11. EMISSIONS UNIT – PROCESS NO. 2, SPECIALTIES, AND PACKAGING-LINE SUGAR HANDLING SYSTEMS (S-W4, S-W6, S-W7)**

**11.1 Process Description**

The emissions regulated in this section of the permit are emitted from three sugar handling systems. The unit number and installation date of each handling line are presented in Table 11.1.

**Table 11.1: SOURCE DESCRIPTIONS**

| Source                | Unit Number | Installation Date |
|-----------------------|-------------|-------------------|
| Process No. 2 system  | S-W4        | 1999              |
| Specialties system    | S-W6        | 1999              |
| Packaging-line system | S-W7        | 1999              |

The process No. 2 sugar handling system consists of elevators, scrolls, baggers, rollers, screen stations, bagging stations, and scales. The specialties sugar handling system consists of a palletizing belt and tote machine. The packaging-line sugar handling system consists of scrolls, baggers, and a loading scale.

**11.2 Control Description**

Emissions from the process No. 2, specialties, and packaging-line sugar handling systems are controlled by one of three Milco Pulcra baghouses (Unit No. A-W4, A-W6, A-W7, respectively).

**Emissions Limits**

**11.3 Emissions Limits**

Emissions of PM<sub>10</sub> from the sugar handling systems shall not exceed any corresponding emissions rate limits listed in Table 11.2.

[IDAPA-51.01.04.702, 5.10.4]

**Table 11.2: EMISSIONS LIMITS FOR SUGAR HANDLING SYSTEMS**

| Source Description /<br>Unit Number | PM <sub>10</sub> |      |
|-------------------------------------|------------------|------|
|                                     | lb/hr            | T/yr |
| Process No. 2 system / S-W4         | 0.3              | 1.2  |
| Specialties system / S-W6           | 0.1              | 0.6  |
| Packaging-line system / S-W7        | 0.2              | 0.9  |

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Date Issued: September 30, 2002  
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## ~~11.4 Process Weight Rate Limit for No. 2 Process and Specialties Lines~~

~~The permittee shall not emit PM to the atmosphere from the No. 2 process or specialties lines in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in pounds per hour and PW is the process weight in pounds per hour.~~

- ~~• If PW is less than 17,000 lb/hr,  
 $E = 0.045(PW)^{0.60}$~~
- ~~• If PW is equal to or greater than 17,000 lb/hr,  
 $E = 4.10(PW)^{0.27}$~~

[IDAPA 38.01.01.702, 4/3/00]

## ~~11.5 Process Weight Rate Limit for Packaging Line~~

~~The permittee shall not emit PM to the atmosphere from the packaging line in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in pounds per hour and PW is the process weight in pounds per hour.~~

- ~~• If PW is less than 0.250 lb/hr,  
 $E = 0.045(PW)^{0.60}$~~
- ~~• If PW is equal to or greater than 0.250 lb/hr,  
 $E = 4.10(PW)^{0.25}$~~

[IDAPA 58.04.01.701, 4/3/00]

## ~~Operating Requirements~~

### 11.6 Throughput Limits

The maximum allowable throughput of each sugar handling system shall be limited to 120% of the average throughput rates attained during the most recent performance test conducted pursuant to Facility-wide Condition 2.13.2, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such throughput rates would cause emissions to exceed any emissions limit(s) set forth in this permit.

[IDAPA 58.04.01.405.01, 5/4/01]

### ~~11.7 Baghouse Operating Requirements~~

~~The baghouses shall be operated and maintained at all times during the operation of the No. 2 process line, specialties line, or packaging line. The pressure drop across each baghouse shall be maintained within manufacturer or O&M manual specifications.~~

[IDAPA 58.04.01.405.01, 5/4/01]

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**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

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**Monitoring and Recordkeeping Requirements**

**11.8 Sugar Handling System Monitoring Requirements**

The permittee shall monitor and record the information in Permit Conditions 11.8.1 and 11.8.2 for each sugar handling system. The records shall be maintained in accordance with Facility-wide Condition 2.16.

11.8.1 The average daily throughput in tons per hour.

11.8.2 The throughput for each consecutive 12-month period in tons per year.

[IDAPA 58.01.01.405.01, 3/1/94]

**11.9 Baghouse Monitoring Requirements**

The permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the pressure drop across each of the baghouses. The pressure drops shall be recorded once per week while the sugar handling systems are in operation. In the event the measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

[IDAPA 58.01.01.405.01, 3/1/94]



**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
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**12. EMISSIONS UNIT – LIME KILN BUILDING (S-K3)**

**12.1 Process Description**

~~Emissions from the vents of the lime kiln building (Unit No. S-K3) are created by one crusher and all coke, lime rock, and calcium oxide handling processes within the building. Emissions from the lime kiln building are based on the input of lime rock to the kilns (refer to Appendix E of the Tier II application). For the Tier I operating permit application, the maximum throughput is 814 tons of lime rock per day.~~

**12.2 Control Description**

~~Emissions from the lime kiln building are controlled by one Micro-Pulse baghouse (Unit No. A-K6).~~

**Emissions Limits**

**12.3 Emissions Limits**

Emissions of PM<sub>10</sub> from the lime kiln building shall not exceed any corresponding emissions rate limits listed in Table 12.1.

(BAP-55-01-01-100, 5/1/04)

**Table 12.1: EMISSIONS LIMITS FOR LIME KILN BUILDING**

| Source Description /<br>Unit Number | PM <sub>10</sub> |      |
|-------------------------------------|------------------|------|
|                                     | lb/hr            | T/yr |
| Lime kiln building / S-K3           | 0.8              | 3.5  |

**12.4 Process Weight Rate Limit**

~~The permittee shall not emit PM to the atmosphere from the lime kiln building in excess of the amounts shown in the following equations, where E is the total rate of emissions from all emissions points from the source in pounds per hour and PW is the process weight in pounds per hour.~~

~~If PM is less than 17,000 lb/hr,~~

~~$$E = 0.045(PW)^{0.85}$$~~

~~If PW is equal to or greater than 17,000 lb/hr,~~

~~$$E = 1.42(PW)^{0.77}$$~~

(BAP-55-01-01-100, 5/1/04)

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
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**Operating Requirements**

**12.5 Throughput Limits**

The maximum allowable throughput of lime rock to the kilns shall be limited to 120% of the average throughput rates attained during the most recent performance test conducted pursuant to Facility-wide Condition 2.13.3, for which Department approval has been granted, which demonstrated compliance with applicable pollutant emissions limit(s), unless such throughput rates would cause emissions to exceed any emissions limit(s) set forth in this permit.

**[IDAPA-53.04.01.405.01, 5/1/04]**

**~~12.6 Baghouse Operating Requirements~~**

~~The lime kiln building baghouse shall be operated and maintained at all times during operation of the crusher or any coke, lime rock, and calcium oxide handling processes within the lime kiln building. The pressure drop across the lime kiln building baghouse shall be maintained within manufacturer O&M manual specifications.~~

**~~[IDAPA-53.04.01.405.01, 5/1/04]~~**

**Monitoring and Recordkeeping Requirements**

**12.7 Lime Kiln Building Throughput Monitoring Requirements**

The permittee shall monitor and record the information in Permit Conditions 12.7.1 and 12.7.2 for the lime kiln building. The records shall be maintained in accordance with Facility-wide Condition 2.16.

12.7.1 The average daily throughput of lime rock to the kilns in tons per hour.

12.7.2 The throughput of lime rock to the kilns for each consecutive 12-month period in tons per year.

**[IDAPA-53.04.01.405.01, 5/1/04]**

**12.8 Baghouse Monitoring Requirements**

The permittee shall install, operate, calibrate, and maintain measuring device(s) to continuously monitor the pressure drop across the lime kiln building baghouse. The pressure drop shall be recorded once per week while the crusher and/or any coke, lime rock, or calcium oxide-handling processes are in operation. In the event the measuring device becomes inoperable, it shall be repaired or replaced as soon as practicable. The records shall be maintained in accordance with Facility-wide Condition 2.16.

**[IDAPA-53.04.01.405.01, 5/1/04]**

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010

Permittee: The Amalgamated Sugar Co. LLC  
Location: Nampa, Idaho

Date Issued: September 30, 2002  
Date Expires: September 30, 2007

## 13. COMPLIANCE SCHEDULE

13.1 To ensure compliance with applicable requirements in the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.001 et. seq, the permittee shall implement the compliance schedule presented in Table 13.1. Permit Conditions 13.3-13.9 are necessary to ensure that emissions from the facility do not cause or significantly contribute to a violation of the NAAQS. Any changes in the equipment, control technology, or timeframes specified in this compliance schedule must be approved by the Department.

Table 13.1: COMPLIANCE SCHEDULE

| Permit Conditions | Milestone  | Deadline  | Documentation/Reporting   |
|-------------------|--|---|---|
| <del>13.3</del>   | <del>Fugitive Dust Management Plan Implementation</del>    | <del>60 days after issuance of Tier II operating permit</del>     | <del>Permit Conditions 2.2, 2.3, 2.4<br/>Department notification</del>        |
| 13.4              | Installation and operation of pellet mill cyclone baghouse | One year after issuance of Tier II operating permit               | Permit Conditions 6.7 and 6.8   |
|                   | Flue gases from Riley boiler merged into the B&W stack     |   | Facility-wide Conditions 2.11.1-2.11.3<br>Department notification             |
| <del>13.5</del>   | <del>Install best cleaning system</del>                    | <del>Two years after issuance of Tier II operating permit</del>   | <del>Submit PTC application for steam dryer<br/>Department notification</del> |
| <del>13.6</del>   | <del>Install transformer evaporator and mill heaters</del> | <del>Three years after issuance of Tier II operating permit</del> | <del>Department notification</del>  |
| 13.7              | Order and fabricate steam dryer                            | Four years after issuance of Tier II operating permit             | Department notification   |
| 13.8              | Installation and operation of steam dryer system           | Five years after issuance of Tier II operating permit             | Department notification   |
|                   | Performance test requirements for South dryer              |   | Facility-wide Condition 2.14  |
|                   | Closure of the Center and North dryers                     |   | Tier II operating permit application  |

13.2 Upon issuance of the Tier II operating permit, emissions of PM<sub>10</sub> and CO from the South, Center, and North dryers and the No. 1, 2, 3, 4, and 5 pellet mills shall not exceed any corresponding emissions rate limits listed in the following table:

Table 13.2: EMISSIONS LIMITS FOR DRYERS AND PELLET MILLS

| Source Description / Unit Number | PM <sub>10</sub> |       | CO               |                    |
|----------------------------------|------------------|-------|------------------|--------------------|
|                                  | lb/hr            | T/yr  | lb/hr            | T/yr               |
| South pulp dryer / S-D1          | 37.4             | 164.0 | <del>440.0</del> | <del>2,400.0</del> |
| Center pulp dryer / S-D2         | 37.4             | 164.0 | <del>440.0</del> | <del>2,400.0</del> |
| North pulp dryer / S-D3          | 28.4             | 124.4 | <del>330.0</del> | <del>1,740.0</del> |
| Pellet mill No. 1 / S-D4         | 1.8              | 7.8   |                  |                    |
| Pellet mill No. 2 / S-D5         | 2.7              | 11.8  |                  |                    |
| Pellet mill No. 3 / S-D6         | 2.7              | 11.8  |                  |                    |
| Pellet mill No. 4 / S-D7         | 2.7              | 11.8  |                  |                    |
| Pellet mill No. 5 / S-D8         | 1.8              | 7.8   |                  |                    |

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13.2.1 Upon completion of Permit Condition 13.4.1, emissions of PM<sub>10</sub> from the pellet mills shall comply with Permit Condition 6.3. Upon completion of Permit Conditions 13.8.1 and 13.8.2, emissions of PM<sub>10</sub> and CO from the South dryer shall comply with Permit Condition 5.3.

~~IDAPA 58.01.01.103.02, 5/1/04~~

~~13.2 Within 60 days of the issuance of the Tier II operating permit, TASCOCO shall comply with the following permit conditions:~~

~~13.2.1 The provisions of Facility-wide Conditions 2.1-2.4 shall be fully implemented, including all required monitoring and recording.~~

~~13.2.2 When the requirements of Permit Condition 13.2.1 have been fulfilled, the permittee shall notify the Department in writing. The permittee shall notify the Department in writing of any delay or failure to meet the requirements of Permit Condition 13.2 as expeditiously as reasonably possible.~~

~~IDAPA 58.01.01.103.02, 5/1/04; IDAPA 58.01.01.105.01, 5/1/04~~

13.4 Within one year of the issuance of the Tier II operating permit, TASCOCO shall comply with the following permit conditions:

13.4.1 The provisions of Permit Conditions 6.6 and 6.8 shall be fully implemented.

13.4.2 All flue gases from the Riley boiler shall be exhausted to the atmosphere through the B&W boiler stack (Unit No. P-B1/2) after passing through the existing baghouse (Unit No. A-B3).

13.4.3 When the requirements of Permit Conditions 13.4.1 and 13.4.2 have been fulfilled, the permittee shall notify the Department in writing. The notification provided with respect to Permit Condition 13.4.1 shall include all relevant technical specifications and data from the baghouse manufacturer. The notification provided with respect to Permit Condition 13.4.2 shall include a schematic diagram of the final exhaust system routing for the B&W No. 1, B&W No. 2, and Riley boilers. The permittee shall notify the Department in writing of any delay or failure to meet the requirements of Permit Condition 13.4 as expeditiously as reasonably possible.

~~IDAPA 58.01.01.103.02, 5/1/04; IDAPA 58.01.01.105.01, 5/1/04~~

~~13.5 Within two years of the issuance of the Tier II operating permit, TASCOCO shall comply with the following permit conditions:~~

~~13.5.1 In accordance with IDAPA 58.01.01.201, the permittee shall submit a PTC application for the proposed steam dryer system (intended to replace the Center and North dryers). The application shall include technical parameters, including, but not limited to, operational requirements and rated capacity of the steam dryer system, schematic diagrams of the steam dryer system, and all information needed to calculate and/or verify emissions rates associated with the steam dryer system and all affected units.~~

~~13.5.2 Upon Department issuance of a PTC or exemption determination for the PTC application required by Permit Condition 13.5.1, the permittee shall install the best cleaning system required for operation of the steam dryer system.~~

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~~13.5.3 When the requirements of Permit Condition 13.5.2 have been fulfilled, the permittee shall notify the Department in writing. The permittee shall notify the Department in writing of any delay or failure to meet the requirements of Permit Condition 13.5 as expediently as reasonably possible.~~

~~IDAAPA 58.04.04-102.02, 5/1/04; IDAPA 58.04.04-105.04, 5/1/04]~~

~~13.6 Within three years of the issuance of the Tier II operating permit, TASCO shall comply with the following permit conditions:~~

~~13.6.1 Upon Department issuance of a PTC or exemption determination for the PTC application required by Permit Condition 13.5.1, the permittee shall install the transformer evaporator and mill heaters required for operation of the steam dryer system.~~

~~13.6.2 When the requirements of Permit Condition 13.6.1 have been fulfilled, the permittee shall notify the Department in writing. The permittee shall notify the Department in writing of any delay or failure to meet the requirements of Permit Condition 13.5 as expediently as reasonably possible.~~

~~IDAAPA 58.04.04-102.02, 5/1/04; IDAPA 58.04.04-105.04, 5/1/04]~~

~~13.7 Within four years of the issuance of the Tier II operating permit, TASCO shall comply with the following permit conditions:~~

~~13.7.1 Upon Department issuance of a PTC or exemption determination for the PTC application required by Permit Condition 13.5.1, the permittee shall order and fabricate the steam dryer system.~~

~~13.7.2 When the requirements of Permit Condition 13.7.1 have been fulfilled, the permittee shall notify the Department in writing. The permittee shall notify the Department in writing of any delay or failure to meet the requirements of Permit Condition 13.7 as expediently as reasonably possible.~~

~~IDAAPA 58.04.04-102.02, 5/1/04; IDAPA 58.04.04-105.04, 5/1/04]~~

~~13.8 Within five years of the issuance of the Tier II operating permit, TASCO shall comply with the following permit conditions:~~

~~13.8.1 Upon Department issuance of a PTC or exemption determination for the PTC application required by Permit Condition 13.5.1, the permittee shall install and operate the steam dryer system.~~

~~13.8.2 The Center and North dryers shall permanently cease operation at the TASCO facility located in Nampa, Idaho.~~

~~13.8.3 When the requirements of Permit Conditions 13.8.1 and 13.8.2 have been fulfilled, the permittee shall notify the Department in writing. The permittee shall notify the Department in writing of any delay or failure to meet the requirements of Permit Conditions 13.8 as expediently as reasonably possible.~~

~~IDAAPA 58.01.01-103.02, 5/1/04; IDAPA 58.01.01-105.04, 5/1/04]~~

~~13.9 The permittee shall submit a Facility-wide Tier II operating permit application within 60 days of fulfilling the requirements of Permit Condition 13.8. The permit application shall include, at a minimum, updated process descriptions, including all changes implemented in accordance with Permit Conditions 13.8-13.9; updated information obtained by the performance testing requirements of this Tier II operating permit; and an updated facility-wide modeling analysis for all criteria pollutants. Thirty days prior to submission of the modeling analysis for Tier II operating permit application, the permittee shall submit a modeling protocol to the Department for approval.~~

~~IDAAPA 58.04.04-102.02, 5/1/04; IDAPA 58.04.04-104.04, 5/1/04; IDAPA 58.04.04-105.04, 5/1/04]~~

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- 13.10 In the event that this Tier II operating permit should expire before the Department issues a renewed Tier II operating permit or before the requirements of Permit Conditions 13.3-13.9 are met by the permittee, TASC0 shall continue to comply with all the requirements contained in this Tier II operating permit until such time as the Department issues an updated Tier II operating permit for the facility.

[IDAPA 50.04.01.405.02, 5/4/04; IDAPA 50.04.01.405.04, 5/4/04]

- 13.11 Until such time that all of the compliance schedule permit conditions are completed, TASC0 shall submit a progress report each calendar quarter to the Department stating when each of the milestones and compliance with each condition in the compliance schedule were or will be achieved, and an explanation of why any dates were not or will not be met and a detailed description of any preventative or corrective measures undertaken by the permittee.

[IDAPA 50.04.01.405, 5/4/04]

~~43.40 Issuance of the Tier II operating permit with this schedule of compliance shall not relieve any owner or operator of the responsibility to comply with all applicable local, state, and federal rules and regulations.~~

[IDAPA 50.04.01.405, 5/4/04]

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Permittee: The Amalgamated Sugar Co. LLC  
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## 14. SUMMARY OF EMISSIONS RATE LIMITS

Table 14.1 includes the emissions limits for which the facility must demonstrate compliance.

Table 14.1. SUMMARY OF ALLOWABLE EMISSIONS RATE LIMITS IN THE TIER II OPERATING PERMIT.

| TASSCO, Nampa<br>EMISSIONS Limits <sup>a</sup> Hourly (lb/hr), and Annual <sup>b</sup> (T/yr) |                  |       |                 |      |       |       |       |      |                 |      |
|---|------------------|-------|-----------------|------|-------|-------|-------|------|-----------------|------|
| Source Description / Unit Number  | PM <sub>10</sub> |       | NO <sub>x</sub> |      | CO    |       | VOC   |      | SO <sub>x</sub> |      |
|   | lb/hr            | T/yr  | lb/hr           | T/yr | lb/hr | T/yr  | lb/hr | T/yr | lb/hr           | T/yr |
| RAW No. 1 boiler / S-B1   |                  |       |                 |      |       |       |       |      |                 |      |
| RAW No. 2 boiler / S-B2   | 400.4            | 347.0 |                 |      | 50.4  | 43.6  |       |      |                 |      |
| Boilerhouse / S-B3  |                  |       |                 |      |       |       |       |      |                 |      |
| Unincinerator / S-B4  | 4.0              | 3.5   |                 |      | 4.0   | 3.5   |       |      |                 |      |
| South pulp mill / S-B1  | 10.4             | 9.0   |                 |      | 10.4  | 9.0   |       |      |                 |      |
| Center pulp mill / S-B2   | 4.0              | 3.5   |                 |      | 4.0   | 3.5   |       |      |                 |      |
| North pulp mill / S-B3  | 4.0              | 3.5   |                 |      | 4.0   | 3.5   |       |      |                 |      |
| Boiler No. 4 / S-B4   |                  |       |                 |      |       |       |       |      |                 |      |
| Boiler No. 5 / S-B5   |                  |       |                 |      |       |       |       |      |                 |      |
| Boiler No. 6 / S-B6   | 2.4              | 2.1   |                 |      |       |       |       |      |                 |      |
| Boiler No. 7 / S-B7   |                  |       |                 |      |       |       |       |      |                 |      |
| Boiler No. 8 / S-B8   |                  |       |                 |      |       |       |       |      |                 |      |
| Asphalt Mill / S-W1   | 4.4              | 3.8   |                 |      | 400.4 | 347.0 |       |      |                 |      |
| Blaze kiln / S-K2   | 0.1              | 0.1   |                 |      | 400.4 | 347.0 |       |      |                 |      |
| A and B process stacks / S-K4   | 4.4              | 3.8   |                 |      |       |       |       |      |                 |      |
| Drying granulator / S-W1  | 4.4              | 3.8   |                 |      |       |       |       |      |                 |      |
| No. 1 cooling granulator / S-W2   | 0.3              | 0.3   |                 |      |       |       |       |      |                 |      |
| No. 2 cooling granulator / S-W3   | 0.3              | 0.3   |                 |      |       |       |       |      |                 |      |
| Process No. 2 handling system / S-W4  | 4.4              | 3.8   |                 |      |       |       |       |      |                 |      |
| Specialties handling system / S-W5  | 4.4              | 3.8   |                 |      |       |       |       |      |                 |      |
| Packaging line handling system / S-W7   | 4.4              | 3.8   |                 |      |       |       |       |      |                 |      |
| Wet kiln building / S-K3  | 4.4              | 3.8   |                 |      |       |       |       |      |                 |      |

<sup>a</sup> as determined by a pollutant specific EPA reference method, a Department approved alternative, or as determined by the Department's emissions estimation methods used in this permit analysis.

<sup>b</sup> as determined by multiplying the actual or alternative (if actual is not available) pounds per hour emissions rate by the allowable hours per year (not the process(es) only, special(s), or by actual annual production rates).

<sup>c</sup> includes condensates.

# AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010

Applicant: The Amalgamated Sugar Co. LLC  
Location: Nampa, Idaho

Date Issued: September 30, 2002  
Date Expires: September 30, 2007

## 15. FACILITY WIDE EMISSIONS INVENTORY

Table 15.1 includes all potential emissions from all sources included in the Tier II application and Northern Ada County PM<sub>10</sub> SIP Plan Emissions Inventory. The emissions inventory table is provided for informational purposes only and reflects emissions rates after the compliance schedule is in place.

Table 15.1: EMISSIONS INVENTORY BASED ON POTENTIAL TO EMIT

| TASCO, Nampa<br>Potential Emissions <sup>a</sup> - Hourly (lb/hr), and Annual (T/yr)    |                  |              |                 |               |       |               |       |              |                 |               |
|---|------------------|--------------|-----------------|---------------|-------|---------------|-------|--------------|-----------------|---------------|
| Source Description / Unit Number  | PM <sub>10</sub> |              | NO <sub>x</sub> |               | CO    |               | VOC   |              | SO <sub>2</sub> |               |
|   | lb/hr            | T/yr         | lb/hr           | T/yr          | lb/hr | T/yr          | lb/hr | T/yr         | lb/hr           | T/yr          |
| B&W No. 1 boiler / S-B1   | 28.4             | 124.2        | 104.6           | 458.1         | 3.2   | 13.8          | 0.4   | 1.9          | 220.5           | 965.8         |
| B&W No. 2 boiler / S-B2   | 28.4             | 124.2        | 104.6           | 458.1         | 3.2   | 13.8          | 0.4   | 1.9          | 220.6           | 965.8         |
| Riley boiler / S-B3   | 61.3             | 355.9        | 390.0           | 1708.2        | 30.0  | 131.4         | 1.3   | 5.6          | 632.5           | 2770.4        |
| Union boiler / S-B4   | 1.6              | 6.8          | 7.2             | 31.5          | 6.5   | 28.3          | 0.4   | 1.7          | 0.0             | 0.2           |
| South pulp dryer / S-D1   | 18.7             | 82.0         | 38.0            | 166.5         | 26.8  | 555.2         | 4.2   | 18.5         | 13.6            | 59.7          |
| Center pulp dryer / S-D2  | 0.0              | 0.0          |                 |               | 0.0   | 0.0           | 4.2   | 18.5         |                 |               |
| North pulp dryer / S-D3   | 0.0              | 0.0          |                 |               | 0.0   | 0.0           | 1.6   | 7.1          |                 |               |
| Pellet mill No. 1 / S-D4  | 0.1              | 0.5          |                 |               |       |               |       |              |                 |               |
| Pellet mill No. 2 / S-D5  | 0.2              | 0.7          |                 |               |       |               |       |              |                 |               |
| Pellet mill No. 3 / S-D6  | 0.2              | 0.7          |                 |               |       |               |       |              |                 |               |
| Pellet mill No. 4 / S-D7  | 0.2              | 0.7          |                 |               |       |               |       |              |                 |               |
| Pellet mill No. 5 / S-D8  | 0.1              | 0.5          |                 |               |       |               |       |              |                 |               |
| A Lime kiln / S-K1  | 0.1              | 0.4          | 1.4             | 6.1           | 685.1 | 3000.7        | 0.7   | 3.0          | 3.5             | 15.2          |
| B Lime kiln / S-K2  | 0.1              | 0.4          | 1.6             | 7.1           | 785.8 | 3485.6        | 0.8   | 3.5          | 4.0             | 17.7          |
| A and B process slakers / S-K4  | 1.4              | 6.1          |                 |               |       |               |       |              |                 |               |
| Drying granulator / S-W1  | 1.1              | 5.0          |                 |               |       |               |       |              |                 |               |
| No. 1 cooling granulator / S-W2   | 0.3              | 1.3          |                 |               |       |               |       |              |                 |               |
| No. 2 cooling granulator / S-W3   | 0.3              | 1.3          |                 |               |       |               |       |              |                 |               |
| Process No. 2 handling system / S-W4  | 0.3              | 1.2          |                 |               |       |               |       |              |                 |               |
| Specialties handling system / S-W6  | 0.1              | 0.6          |                 |               |       |               |       |              |                 |               |
| Packaging line handling system / S-W8   | 0.2              | 0.9          |                 |               |       |               |       |              |                 |               |
| Lime kiln building / S-K3   | 0.8              | 3.5          |                 |               |       |               |       |              |                 |               |
| A-side sulfur stove / S-O2  |                  |              |                 |               |       |               |       |              | 2.1             | 9.2           |
| B-side sulfur stove / S-O3  |                  |              |                 |               |       |               |       |              | 2.1             | 9.2           |
| Main mill / S-O1  |                  |              |                 |               |       |               | 11.2  | 48.9         |                 |               |
| Fugitives / F-D9, F-D10, F-O4,<br>F-O508a, F-O508b, F-O508c, F-O7,<br>F-O8, F-O9, F-O10 | n/a <sup>b</sup> | 35.0         |                 |               |       |               |       |              |                 |               |
| <b>TOTAL</b>  |                  | <b>717.0</b> |                 | <b>2835.6</b> |       | <b>7226.8</b> |       | <b>110.8</b> |                 | <b>4813.2</b> |

<sup>a</sup> as determined by a pollutant-specific EPA reference method, a Department-approved alternative, or as determined by the Department's emissions estimation methods used in this permit analysis.

<sup>b</sup> the hourly emissions rates of these sources vary by season; refer to Tier II application



**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
**Date Expires:** September 30, 2007

**16. OTHER SOURCES**

Table 16.1 below identifies other air pollution-emitting sources (included in the Tier II application and Northern Ada County PM<sub>10</sub> SIP Plan Emissions Inventory) at the facility that do not require specific permit conditions to demonstrate compliance with applicable air quality standards.

**Table 16.1: OTHER AIR POLLUTION SOURCES AT THE FACILITY**

| Source Description  |
|---|
| Main mill / S-01  |
| A-side sulfur stove / S-02  |
| B-side sulfur stove / S-03  |
| Fugitives (coal unloading, pulp and pellet loadout/storage, coal storage, bag handling, vehicle traffic on unpaved roads, lime rock handling, coke handling) / F-D9 and F-04, F-D10, F-0506a, F-0506b, F-0506c, F-07, F-08, F-09, F-010 |

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: 027-00010**

**Permittee:** The Amalgamated Sugar Co. LLC  
**Location:** Nampa, Idaho

**Date Issued:** September 30, 2002  
**Date Expires:** September 30, 2007

**17. TIER II PERMIT GENERAL PROVISIONS**

1. All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emissions of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
2. The permittee shall at all times (except as provided in the Rules) maintain and operate in good working order all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
3. The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
  - To enter upon the permittee's premises where an emissions source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  - At reasonable times, to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and to require stack emissions testing (i.e., performance tests) in conformance with state-approved or accepted EPA procedures when deemed appropriate by the Director.
4. Except for data determined to be confidential under Section 9-342A Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Department.
5. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
6. In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter; a copy of which shall be forwarded to the Director.
7. This permit shall be renewable on the expiration date, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit such information within 60 days after receipt of the Director's request shall cause the permit to become void.
8. The Director may require the permittee to develop a list of operation and maintenance procedures to be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
9. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

STATE OF IDAHO  
AIR POLLUTION  
OPERATING PERMIT

GENERAL INFORMATION

PERMIT NUMBER

777 - 00182

AQCR

063

CLASS

B

SIC

3273

ZONE

11

UTM COORDINATE (km)

533

9

5347

2

1. PERMITTEE

Lake Pre-Mix Concrete

2. PROJECT

Johnson 630 Portable Concrete Batch Plant

3. ADDRESS

P.O. Box 1356

TELEPHONE #

(208) 263-5000

COUNTY

Bonner

4. CITY

Sandpoint

STATE

Idaho

ZIP CODE

83864

5. PERSON TO CONTACT

Steve Lafrenz

TITLE

President

6. EXACT PLANT LOCATION

Portable, excluding the downtown area of Sandpoint, Idaho

7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS

Concrete Batch Plant

8. GENERAL CONDITIONS

This permit is issued according to the Rules for the Control of Air Pollution in Idaho, Section 16.01.01.400 and pertains only to emissions of air contaminants which are regulated by the State of Idaho and to the sources specifically allowed to be operated by this permit.

THIS PERMIT HAS BEEN GRANTED ON THE BASIS OF OPERATION AND DESIGN INFORMATION PRESENTED MADE AVAILABLE TO THE DEPARTMENT. CHANGES IN DESIGN, OPERATION, OR EQUIPMENT, THAT RESULT IN ANY CHANGE IN THE NATURE OR AMOUNT OF EMISSIONS, MUST BE APPROVED IN ADVANCE BY THE DEPARTMENT.

*(Signature)*  
ASSISTANT ADMINISTRATOR  
DIVISION OF ENVIRONMENTAL QUALITY

ISSUED MAY 17, 1996

DATE

DATE



## AIR POLLUTION OPERATING PERMIT

PERMIT NUMBER

## PERMITTEE AND LOCATION

Lake Pre-Mix Concrete  
 Portable Concrete Batch Plant  
 Sandpoint, Idaho

777 - 00182

The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

## SOURCE

Johnson 630 Portable Concrete Batch Plant

## 1. MONITORING REQUIREMENTS

3.1 Concrete Throughput Monitoring3.1.1 Winter Operations

The Permittee shall monitor and record the concrete throughput rate once per day to demonstrate compliance with section 2.1.1 of this permit. The amount shall be recorded as cubic yards per day (cy/day) in a log kept at the facility for the most recent two (2) year period. The log shall be made available to Department representatives upon request.

ISSUED: MAY 17, 1996

## PERMITTEE AND LOCATION

Lake Pre-Mix Concrete  
Portable Concrete Batch Plant  
Sandpoint, Idaho

PERMIT NUMBER

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The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

**SOURCE**

Johnson 630 Portable Concrete Batch Plant

### 3.1.2 Summer Operations

The Permittee shall monitor and record the concrete throughput rate once per day to demonstrate compliance with Section 2.1.2 of this permit. The amount shall be recorded as cubic yards per day (cy/day) in a log kept at the facility for the most recent two (2) year period. The log shall be made available to Department representatives upon request.

ISSUED: MAY 17, 1996

ISSUED: MAY 17, 1996

SR:jfj.../permit/lakepre/latepre..

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



STATE OF IDAHO

AIR POLLUTION  
OPERATING PERMIT

## GENERAL INFORMATION

## PERMIT NUMBER

017 - 00048

AQCR

063

CLASS

A2

SIC

3273

ZONE

11

UTM COORDINATE (km)

532 6 5348 1

## 1. PERMITTEE

Interstate Concrete and Asphalt

## 2. PROJECT

Asphalt Batch Plant and Concrete Batch Plant

## 3. MAILING ADDRESS

P.O. Box 1113

## TELEPHONE #

(208) 263-5615

## COUNTY

Bonner

## 4. CITY

Sandpoint

## STATE

Idaho

## ZIP CODE

83864

## 5. PERSON TO CONTACT

Larry Peak

## TITLE

Sandpoint Facility Manager

## 6. EXACT PLANT LOCATION

1/4 mile west of Bover Road on north side of Baldy Road

## 7. GENERAL NATURE OF BUSINESS &amp; KINDS OF PRODUCTS

Paving Contractor producing various mixes of asphalt, concrete, and various sizes of aggregate.

## 8. PERMIT AUTHORITY

This permit is issued according to the Rules for the Control of Air Pollution in Idaho, Section 16.01.01.400 and pertains only to emissions of air contaminants which are regulated by the State of Idaho and to the sources specifically allowed to be operated by this permit.

THIS PERMIT HAS BEEN GRANTED ON THE BASIS OF DESIGN INFORMATION PRESENTED IN THE APPLICATION AND DIVISION OF ENVIRONMENTAL QUALITY'S (DEQ) TECHNICAL ANALYSIS OF THE SUPPLIED INFORMATION. CHANGES IN DESIGN OR EQUIPMENT, THAT RESULT IN ANY CHANGE IN THE NATURE OR AMOUNT OF EMISSIONS, MAY BE A MODIFICATION. MODIFICATIONS ARE SUBJECT TO DEQ REVIEW IN ACCORDANCE WITH SECTION 16.01.01.200 OF THE RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO.

ISSUED DATE August 2, 1999

*Dwight D. Green*

ADMINISTRATOR, STATE AIR QUALITY PROGRAM

DIVISION OF ENVIRONMENTAL QUALITY

Interstate Concrete and Asphalt  
Tier II Operating Permit  
Sandpoint, Idaho

PERMIT NUMBER

|   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|
| 0 | 1 | 7 | - | 0 | 0 | 0 | 4 | 8 |
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The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

**SOURCE**

### Asphalt Batch Plant and Concrete Batch Plant

ISSUED DATE:

August 2, 1989

**AIR POLLUTION OPERATING PERMIT  
PERMITTEE, PROJECT, AND LOCATION**

Interstate Concrete and Asphalt  
Tier II Operating Permit  
Sandpoint, Idaho

**PERMIT NUMBER**

017 - 00048

The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

**SOURCE**

Asphalt Batch Plant and Concrete Batch Plant

**2. EMISSION LIMITS**

- 2.2 Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers ( $PM_{10}$ ) shall not exceed the pound per hour (lb/hr) and ton per year (T/yr) values listed in Appendix A.

**3. OPERATING REQUIREMENTS**

**3.1 Maximum Throughput**

- 3.1.1 The maximum hourly throughput shall be limited to the ton per hour (T/hr), ton per day (T/day), and ton per year (T/yr) limitations in Appendix B.

**4. TESTING AND MONITORING REQUIREMENTS**

**4.1 Throughput Log**

The following information shall be recorded and maintained on site for the most recent two (2) year period.

- 4.1.1 Amount (tons per hour and tons per day) of hot mix asphalt produced by the facility.  
4.1.2 Amount (standard cubic feet per day) of natural gas burned in the Barber Greene drum dryer.

**4.2 Performance Tests**

- 4.2.1 The Permittee shall conduct a performance test at a frequency of no less than once every year to demonstrate compliance with the hourly  $PM_{10}$  emission limit in Appendix A. The permittee may show compliance with the hourly emission limit  $PM_{10}$  by conducting a performance test to measure Total Suspended Particulate (TSP) emissions from the Drum Dryer baghouse using EPA Reference Method 5 and 202 back half catch analysis. The resulting pound per hour (lb/hr) emission rate demonstrated by the source test shall be

ISSUED DATE:

August 2, 1999

**AIR POLLUTION OPERATING PERMIT  
PERMITTEE, PROJECT, AND LOCATION**

Interstate Concrete and Asphalt  
Tier II Operating Permit  
Sandpoint, Idaho

PERMIT NUMBER .

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| 0 | 1 | 7 | - | 0 | 0 | 0 | 4 | 8 |
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The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

## SOURCE

### Asphalt Batch Plant and Concrete Batch Plant

multiplied by a factor of 0.40 to establish the hourly PM<sub>10</sub> emission rate. The Permittee shall have the option of performing a Method 201 or 201A performance test with Method 202 Analysis on the drum dryer baghouse stack. [REDACTED]

**4.2.2** During performance testing, the following data shall be recorded:

**4.2.2.1 Process weight rate (tons of asphalt produced per hour).**

4.2.2.2 Burner fuel flow rate (i.e., cubic feet per hour).

#### 4.2.2.3 Change in pressure drop across the baghouse.

ISSUED DATE:

August 2, 1995

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**AIR POLLUTION OPERATING PERMIT  
PERMITTEE, PROJECT, AND LOCATION**

Interstate Concrete and Asphalt  
Tier II Operating Permit  
Sandpoint, Idaho

**PERMIT NUMBER**

017 - 00048

The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

**SOURCE**

Asphalt Batch Plant and Concrete Batch Plant

ISSUED DATE: August 2, 1999

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**AIR POLLUTION OPERATING PERMIT  
PERMITTEE, PROJECT, AND LOCATION**

Interstate Concrete and Asphalt  
Tier II Operating Permit  
Sandpoint, Idaho

**PERMIT NUMBER**

017 - 00048

The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

**SOURCE**

Asphalt Batch Plant and Concrete Batch Plant

[REDACTED]

[REDACTED]  
[REDACTED]  
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ISSUED DATE: August 2, 1999

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**AIR POLLUTION OPERATING PERMIT  
PERMITTEE, PROJECT, AND LOCATION**

Interstate Concrete and Asphalt  
Tier II Operating Permit  
Sandpoint, Idaho

**PERMIT NUMBER**

0 1 7 - 0 0 0 4 8

The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

**SOURCE**

Asphalt Batch Plant and Concrete Batch Plant

**2. EMISSION LIMITS**

- 2.1 Particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers ( $PM_{10}$ ) emissions shall not exceed the pound per hour (lb/hr) and ton per year (T/yr) values listed in Appendix A.

[REDACTED]

**3. OPERATING REQUIREMENTS**

3.1 Maximum Throughput

- 3.1.1 Process throughput of materials for the operation of the concrete batch plant shall be limited to quantities specified in Appendix B.

**4. MONITORING REQUIREMENTS**

4.1 Throughput Log

The following information shall be recorded weekly and maintained on site for the most recent two (2) year period.

- 4.1.1 Amount in cubic yards per day ( $yd^3/day$ ) of concrete hauled off-site from the facility.

- 4.1.2 Amount in tons per day (T/day) of raw aggregate hauled out of the facility.

[REDACTED]

[REDACTED]

[REDACTED]

ISSUED DATE: August 2, 1999

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**AIR POLLUTION OPERATING PERMIT  
PERMITTEE, PROJECT, AND LOCATION**

Interstate Concrete and Asphalt  
Tier II Operating Permit  
Sandpoint, Idaho

**PERMIT NUMBER:**

017 - 00048

The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

**SOURCE**

Asphalt Batch Plant and Concrete Batch Plant

ISSUED DATE:

August 2, 1999

T:\hs

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**AIR POLLUTION OPERATING PERMIT  
PERMITTEE, PROJECT, AND LOCATION**

Interstate Concrete and Asphalt  
Tier II Operating Permit  
Sandpoint, Idaho

**PERMIT NUMBER**

017 - 00048

The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

**SOURCE**

Asphalt Batch Plant and Concrete Batch Plant

**MONITORING REQUIREMENTS**

1.1.1 The Permittee shall maintain a continuous record of the following information for each application of EOCDS:

1.1.1.1 Date of application

1.1.1.2 Emission rate (volume of water relative to EOCDS) to be used in the application of EOCDS solution (volume of water relative to EOCDS)

1.1.1.3 Application intensity (gallons per square yard (gpy)) of the EOCDS solution for each projected treatment area.

1.1.1.4 Facility plot plan showing the proposed treatment area.

**1.1.2 EOCDS Application Log**

The Permittee shall maintain a log of the following information for each application of EOCDS:

1.1.2.1 Date and time of application

1.1.2.2 Emission rate (volume of water relative to EOCDS) to be used in the application of EOCDS solution

1.1.2.3 Date of EOCDS solution application

1.1.2.4 Application intensity (gpy) of the EOCDS solution

1.1.2.5 Facility plot plan showing the proposed treatment area

1.1.2.6 Name of the person responsible for the application of EOCDS solution

**1.1.3 Road Closure/Ingress Log**

1.1.3.1 The Permittee shall maintain a log of the following information for each application of EOCDS:

1.1.3.1.1 Date and time of application

1.1.3.1.2 Date and time of application

1.1.3.1.3 Name of the person responsible for the application of EOCDS solution

ISSUED DATE: August 2, 1999

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**AIR POLLUTION OPERATING PERMIT  
PERMITTEE, PROJECT, AND LOCATION**

Interstate Concrete and Asphalt  
Tier II Operating Permit  
Sandpoint, Idaho

**PERMIT NUMBER**

017 - 00048

The Permittee is hereby allowed to operate the equipment described herein subject to the emission limits and monitoring and reporting requirements specified in this permit.

**SOURCE**

Asphalt Batch Plant and Concrete Batch Plant

ISSUED DATE: August 2, 1999

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# APPENDIX A

## Interstate Concrete & Asphalt

### Emission Limits\* - Hourly (lb/hr) and Annual\* (T/yr)

| SOURCE DESCRIPTION                       |  |  |  |  | PM10*<br>(lb/hr)<br>after<br>7/1/98 <sup>d</sup> | PM10*<br>(T/yr)<br>after<br>7/1/98 <sup>d</sup> |  |  |  |  |
|--|--|--|--|--|--|---|--|--|--|--|
| ASPHALT PLANT                            |  |  |  |  |  |   |  |  |  |  |
| Drum Dryer                               |  |  |  |  | 2.3  | 0.81  |  |  |  |  |
| Vehicle Fugitives<br>(Paved and Unpaved) |  |  |  |  | 0.71   | 0.30  |  |  |  |  |
| Process Fugitives                        |  |  |  |  | 0.26   | 0.58  |  |  |  |  |
| CONCRETE PLANT                           |  |  |  |  |  |   |  |  |  |  |
| Cement Silo Vents                        |  |  |  |  | 0.08   | 0.04  |  |  |  |  |
| Process Fugitives                        |  |  |  |  | 0.83*  | 1.1*  |  |  |  |  |
| Vehicle Fugitives<br>(Paved and Unpaved) |  |  |  |  | 0.89   | 0.34  |  |  |  |  |

a As determined by a pollutant specific U.S. EPA reference method, or Department approved alternative, or as determined by the Department's emission estimation methods used in this permit analysis.

b As determined by multiplying the actual or allowable (if actual is not available) pound per hour emission rate by the allowable hours per year that the process(es) may operate(s), or by actual annual production rates.

c Includes condensables.

d Or such earlier date as all required Conditional Control Measures have been completed.

e Includes point source emissions for the two (2) minibaghouses placed on the cement weigh hoppers and the scavenge fan/baghouse system on the mixer loading operation installed as Conditional Control Measures.

ISSUED DATE: August 2, 1999

TJhs G:\A\HWLUNDAHL\CA-MOD2.PMT

# APPENDIX B

## Interstate Concrete and Asphalt

### Maximum Throughput Values at Fugitive Emission Sources

| Source Description   | Material Handled | Hourly (T/hr) after 7/1/98* | Daily (T/day) after 7/1/98* | Annual (T/yr) after 7/1/98* |
|--|------------------|-----------------------------|-----------------------------|-----------------------------|
| 1. Asphalt Plant   | Asphalt          | 200*                        | 2,400                       | 140,000                     |
| 2. Concrete Batch Plant<br>yd3/time period                     | Concrete         | 75                          | 1,400                       | 70,000                      |
| 3. Retail Aggregate Concrete Plant<br>End Loader and PG Hopper | Aggregate        |                             | 1,700                       | 55,000                      |

a) Or such earlier date as all required Conditional Control Measures have been completed.

b) Operation at this production rate shall require a successful performance test against the PM emission limit, as required in 4.2 of the Asphalt Plant section of this permit.

ISSUED DATE: August 2, 1999

TUhs G:\AHW\LUND\DAHLICA-MOD2.PMT

[REDACTED]

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[REDACTED]

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE  
DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

Whiteman Lumber Company  
Permittee, including affiliates, if any

Cataldo,  
Located at

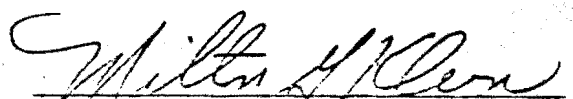
Idaho 83810

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued 7/16/79

Expiration 7/15/84

  
Director

PART I

SOURCE PERMIT NO. 13-1420-062

Page 2 of 8

Whiteman Lumber Company located <sup>near</sup> Cataldo, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Sawmill with associated wigwam  
burner and mill cyclones.

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements               |
|----------------|-------------------------|--|---------------------------------------|
| Wigwam Burner  | Visible Emissions       | <20% Opacity Except for 3 Minutes in any 60 minute period.* Manual Sec. 1-1702 | Continuous Temper. Monitor and Recor. |
| Cyclones       | Visible Emissions       | <20% Opacity Except for 3 Minutes in any 60 Minute Period.* Manual Sec. 1-1902 | Annual Compliance Observation         |

\* Except For A Start-up Period Of:  
One Hour; November 1 - May 1  
One-Half Hour; May 1 - November 1

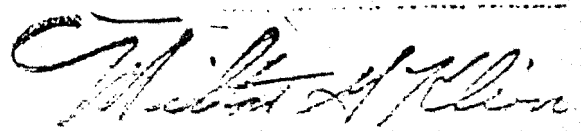
Conditions:

Submit report of burner temperature on a quarterly basis.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

— Expiration 1/1/83



PART I

SOURCE PERMIT NO. 13-1420-062

Page 3 of 8

Whiteman Lumber Company located near Cataldo, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Sawmill with associated wigwam burner  
and cyclones.

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations  | Monitoring Requirements                     |
|----------------|-------------------------|---|---|
| Wigwam Burner  | Visible Emissions       | <20% Opacity Except For 3 Minutes In Any 60 Minute Period.* Manual Sec. 1-1702                                    | Continuous Temperature Monitor and Recorder |
| Wigwam Burner  | Design Features         | (a) Air Tight Shell<br>(b) Forced Underfire Air<br>(c) Forced Overfire Air<br>(d) Top Damper - Manual Sec. 1-1703 | Certification Of Requirement Accomplishment |
| Cyclones       | Visible Emissions       | <20% Opacity Except For 3 Minutes In Any 60 Minute Period. Manual Sec. 1-1902                                     | Annual Compliance Observation               |

\* Except For A Start-up Period Of:  
One Hour; November 1 - May 1  
One Half Hour; May 1 - November 1

Conditions:

Submit reports of burner temperature, and repair and maintenance schedule on a quarterly basis.

Validation (if different from Facility Permit)

Effective 1/1/83

Expiration \_\_\_\_\_

*M. L. H. Kline*



PART I

SOURCE PERMIT NO. 13-1420-062

Page 4 of 8

Whiteman Lumber Company located <sup>near</sup> Cataldo, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: A log yard.

Restrictions:

| Emission Point  | Emission Characteristic | Emission Limitations  | Monitoring Requirements                              |
|---|-------------------------|---|--|
| Plant Roads, Loading and Unloading Areas, Storage Areas | Fugitive Dust           | Compliance With Manual Sec. 1-1251 Of the <u>Rules and Regulations For the Control of Air Pollution in Idaho</u> Manual. Include All Reasonable Precautions To Prevent Particulate Matter From Becoming Airborne As Described In Attached Appendix A. | Quarterly Repo Of Measures Wh Have Been Implemented. |

Conditions:

See Appendix A

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton H. Klein*

APPENDIX A

- 1) All haul roads, access roads and traffic patterns shall be paved, oiled, or watered at least twice daily during the operating season unless wet because of natural precipitation, in order to control fugitive dust.
- 2) All paved areas on the plant grounds shall be maintained in a dust-free condition by wet sweeping or equivalent methods. The removal of dust shall be accomplished at least weekly during the operating season and more frequently if required because of excessive dust accumulation and dry weather.
- 3) All permittee-owned or operated open-bodied trucks transporting fugitive dust generating materials to or from the plant location shall be covered at all times while in motion on public roads.

## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant identified in this permit in excess of that authorized, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided by breakdowns as defined in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

- 2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.
- D Except for data determined to be confidential under section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.
- E Nothing in this permit shall be construed to preclude institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal, state, or local law or regulation.
- F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.

- G The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- H Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information required by the Director to assess the air pollution impact of the equipment for which the permit is granted. Failure to submit such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.
- I The Department may require the permittee to develop an Operational and Maintenance Manual which must be approved by the Director. Such Manual shall become a part of this permit by reference, and failure to comply with the terms of the Manual shall constitute a violation of this permit.
- J The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to conducting any compliance tests required pursuant to this permit. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE  
DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

POTLATCH CORPORATION - PULP & PAPER UNIT  
Permittee, including affiliates, if any

P.O. BOX 1016  
Located at

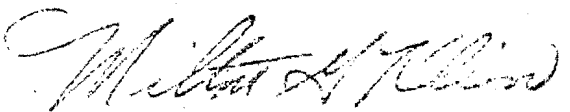
LEWISTON, IDAHO

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued July 5, 1979

Expiration January 1, 1984

  
Director

## PART I

SOURCE PERMIT NO. 13-1140-0001-04Page 2 of 19POTLATCH CORPORATION  
PULP & PAPER UNITlocated at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR FOSSIL FIRED POWER BOILERS NO.  
1, 2 AND 3 WITH ASSOCIATED BREECHINGS AND STACKS.

## Restrictions:

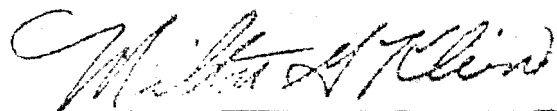
| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements                         |
|----------------|-------------------------|--|---|
| STACK          | PARTICULATES            | 0.050 GR/DSCF,<br>CORRECTED TO 8%<br>O <sub>2</sub> (≈0.1 LB/10 <sup>6</sup><br>BTU) RULE 1-1320 | LOG OF AMOUNT AND<br>TIME OF FUEL OIL<br>USEAGE |
|                | VISIBLE EMISSIONS       | <20% OPACITY EX-<br>CEPT FOR 3 MIN-<br>UTES IN ANY 60<br>MINUTE PERIOD<br>RULE 1-1202            |   |

## Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

PART I

SOURCE PERMIT NO. 13-1140-0001

Page 3 of 19

POTLATCH CORPORATION  
PULP & PAPER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR NO. 1 KRAFT PROCESS RECOVERY  
FURNACE WITH ASSOCIATED DIRECT CONTACT EVAPORATOR AND ELECTROSTATIC  
PRECIPITATORS (ESP)

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations  | Monitoring Requirements                    |
|----------------|-------------------------|---|--|
| ESP            | PARTICULATES            | 0.080 GR/DSCF CORRECTED TO 8% O <sub>2</sub> (~2.0 LB/ADT) (MAX. DAILY AVERAGE) RULE 1-1902 | MONTHLY SOURCE TEST USING IDAHC PROCEDURES |
|                | VIS. EMISSIONS          | 20% OPACITY EXCEPT FOR 3 MINUTES IN ANY 60 MIN. PER.  | CONTINUOUS MONITORING AND RECORDING        |
|                | TRS                     | 15 PPM (MAX. DAILY AVG) RULE 1-1902   | CONTINUOUS MONITORING AND RECORDING        |

Conditions:

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS WITH ALL VALUES EXCEEDING LIMITS SPECIFIED IN THIS PERMIT SUMMARIZED WITH CORRECTIVE PROCEDURES TAKEN FOR EACH OCCURRENCE.
- 2) SUBMIT A COPY OF THE ESP ROUTINE MONITORING AND MAINTENANCE PROCEDURES, INCLUDING METHODS TO ASCERTAIN WHICH ELECTRODES ARE IN PLACE AND MAINTAINING OPTIMUM SPARKING RATE. SUMMARY REPORT OF MAINTENANCE SHALL BE SUBMITTED SEMI-ANNUALLY.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration August 1, 1979

*Milton L. Klein*

Authorizing Signature



PART I

SOURCE PERMIT NO. 13-1140-0001

Page 4 of 19

POTLATCH CORPORATION  
PULP & PAPER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR NO. 1 KRAFT PROCESS RECOVERY  
FURNACE WITH ASSOCIATED DIRECT CONTACT EVAPORATOR AND ELECTROSTATIC  
PRECIPITATORS (ESP)

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations   | Monitoring<br>Requirements                       |
|-------------------|----------------------------|---|--|
| ESP               | PARTICULATES               | 0.040 GR/DSCF COR-<br>RECTED TO 8% O <sub>2</sub><br>(~2.0 LB/ADT) (MAX.<br>DAILY AVERAGE)<br>RULE 1-1902 | MONTHLY SOURCE<br>TEST USING IDAHC<br>PROCEDURES |
|                   | VISIBLE EMISSIONS          | 20% OPACITY EXCEPT<br>FOR 3 MINUTES IN<br>ANY 60 MIN. PER.<br>RULE 1-1902                                 |  |
|                   | TRS                        | 15 PPM (MAX.<br>DAILY AVERAGE)<br>RULE 1-1902   |  |

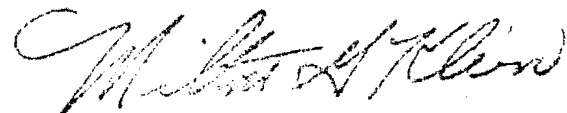
Conditions:

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS WITH ALL VALUES EXCEEDING LIM SPECIFIED IN THIS PERMIT SUMMARIZED WITH CORRECTIVE PROCEDURES TAKEN FOR EACH OCCURRENCE.
- 2) SUBMIT A COPY OF THE ESP ROUTINE MONITORING AND MAINTENANCE PROCEDURES, INCLUDING METHODS TO ASCERTAIN WHICH ELECTRODES ARE IN PLACE AND MAINTAINING OPTIMUM SPARKING RATE. SUMMARY REPORT OF MAINTENANCE SHALL BE SUBMITTED SEMI-ANNUALLY

Validation (if different from Facility Permit)

Effective Date August 1, 1979

Expiration \_\_\_\_\_



Authorizing Signature

PART I

SOURCE PERMIT NO. 13-1140-0001-01.

Page 5 of 19

POTLATCH CORPORATION  
PULP AND PAPER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR NO. 2 KRAFT PROCESS RECOVERY  
FURNACE WITH ASSOCIATED DIRECT CONTACT EVAPORATOR AND ELECTROSTATIC  
PRECIPITATOR (ESP).

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements              |
|----------------|-------------------------|--|--------------------------------------|
| ESP            | PARTICULATES            | 0.070 GR/DSCF CORRECTED TO 8% O <sub>2</sub><br>(23.0 LB/ADT) (MAX. DAILY AVG) RULE 1-1902 | MONTHLY SOURCE TEST IDAHO PROCEDURES |
|                | VIS. EMISSIONS          | 40% OPACITY EXCEPT FOR 3 MIN. IN ANY 60 MIN. PER. RULE 1-1902                              | CONTINUOUS MONITORING AND RECORDING  |
|                | TRS                     | 17.5 PPM (MAX. DAILY AVG) (RULE 1-1655)  | CONTINUOUS MONITORING AND RECORDING  |

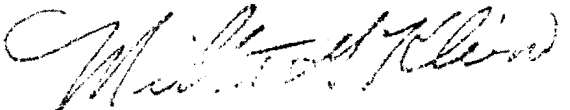
Conditions:

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS WITH ALL VALUES EXCEEDING LIM SPECIFIED IN THIS PERMIT SUMMARIZED WITH CORRECTIVE PROCEDURES TAKEN FOR EACH OCCURRENCE.
- 2) SUBMIT A COPY OF THE ESP ROUTINE MONITORING AND MAINTENANCE PROCEDURES, INCLUDING METHODS TO ASCERTAIN WHICH ELECTRODES ARE IN PLACE AND MAINTAINING AN OPTIMUM SPARKING RATE FOR ALL SECTIONS. SUMMARY REPORT OF MAINTENANCE SHALL BE SUBMITTED SEMI-ANNUALLY.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration August 31, 1980

  
\_\_\_\_\_  
Authorizing Signature

## PART I

SOURCE PERMIT NO. 13-1140-0001-01Page 6 of 19POTLATCH CORPORATION  
PULP AND PAPER UNITlocated at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution source or control equipment: THEIR NO. 2 KRAFT PROCESS FURNACE WITH ASSOCIATED DIRECT CONTACT EVAPORATOR AND ELECTROSTATIC PRECIPITATOR (ESP)

## Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements                    |
|----------------|-------------------------|--|--|
| ESP            | PARTICULATES            | 0.060 GR/SDCF CORRECTED TO 8% O <sub>2</sub> (~3.0 LB/ADT) (MAX. DAILY AVG)<br>RULE 1-1902 | MONTHLY SOURCE TEST USING IDAHO PROCEDURES |
|                | VIS. EMISSIONS          | 35% OPACITY EXCEPT 3 MIN. IN ANY 60 MIN. PER. RULE 1-1902                                  | CONTINUOUS MONITORING AND RECORDING        |
|                | TRS                     | 17.5 PPM (MAX. DAILY AVG)<br>RULE 1-1655   | CONTINUOUS MONITORING AND RECORDING        |


## Conditions:

- 1) SUBMIT QUARTERLY REPORT OF TESTING RESULTS WITH ALL VALUES EXCEEDING LIMIT SPECIFIED IN THIS PERMIT SUMMARIZED WITH CORRECTIVE PROCEDURES TAKEN FOR EACH OCCURRENCE.
- 2) SUBMIT A COPY OF THE ESP ROUTINE MONITORING AND MAINTENANCE PROCEDURES, INCLUDING METHODS TO ASCERTAIN WHICH ELECTRODES ARE IN PLACE AND MAINTAINING AN OPTIMUM SPARKING RATE FOR ALL SECTIONS. SUMMARY REPORT OF MAINTENANCE SHALL BE SUBMITTED SEMI-ANNUALLY.

Validation (if different from Facility Permit)

Effective Date September 1, 1980

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

Potlatch Corporation  
Pulp and Paper Unit

located near Lewiston, Idaho

is hereby granted permission to operate the following air pollution source or control equipment; Their No. 3 Kraft Process Recovery Furnace with associated direct contact evaporator and electrostatic precipitator (ESP)

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements                    |
|----------------|-------------------------|--|--|
| ESP            | Particulates            | 0.03 GR/SDCF Corrected to 8% O <sub>2</sub> (-3.7 LB/ADT) (MAX. DLY. AVG) Rules 1-1902 | Monthly Source Test Using Idaho Procedures |
|                | Visible Emissions       | 40% opacity except 3 min. in any 60 min. per.  | Continuous Monitoring and record           |
|                | TRS                     | 14.0 PPM (MAX. DAILY AVERAGE) Rule 1-1655  | Continuous monitoring and record           |

Conditions:

- 1) Submit a quarterly report of testing results with all values exceeding limitations specified in this permit summarized with corrective procedures taken for each occurrence.
- 2) Submit a copy of the ESP routine monitoring and maintenance procedures, including methods to ascertain which electrodes are in place and maintaining an optimum sparking rate for all sections. Summary reports of maintenance shall be submitted semi-annually.

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration December 31, 1980

  
\_\_\_\_\_  
Authorizing Signature

Potlatch Corporation  
Pulp and Paper Unit

located near Lewiston, Idaho

is hereby granted permission to operate the following air pollution source or control equipment; Their No. 3 Kraft Process Recovery Furnace with Associated Direct Contact Evaporator and Electrostatic Precipitator (ESP)

#### Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations  | Monitoring Requirements                    |
|----------------|-------------------------|---|--|
| ESP            | Particulates            | 0.05 GR DRY Corrected to 8.0% (2.3 LB/ADT) (Max. Dly. Avg.) Rule 1-1902 | Monthly Source Test using Idaho Procedures |
|                | Visible Emissions       | 40% opacity except 3 min. in any 60 minute period                       | Continuous monitoring and recording        |
|                | TRS                     | 14.0 PPM (Max. Dly. Avg.) Rule 1-1655                                   | Continuous monitoring and recording        |

#### Conditions:

- 1) Submit a quarterly report of testing results with all values exceeding limits specified in this permit summarized with corrective procedures taken for each occurrence.
- 2) Submit a copy of the ESP routine monitoring and maintenance procedures including methods to ascertain which electrodes are in place and maintaining an optimum sparking rate for all sections. Summary report of maintenance shall be submitted semi-annually.
- 3) Adherence with conditions of Board Order dated September 30, 1980, Docket #0310-79-15, Section III.

Validation (if different from Facility Permit)

Effective December 31, 1980

Expiration December 31, 1985

  
Authorizing Signature

## PART I

SOURCE PERMIT NO. 13-1140-0001-03

Page 9 of 19

POTLATCH CORPORATION  
PULP AND PAPER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR NO. 4 KRAFT RECOVERY FURNACE  
WITH ASSOCIATED-INDIRECT CONTACT EVAPORATOR AND ELECTROSTATIC  
PRECIPITATOR (ESP)

## Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements                    |
|----------------|-------------------------|--|--|
| ESP            | PARTICULATES            | 0.040 GR/SDCF CORRECTED TO 8% O <sub>2</sub> (~2.0 LB/ADT) (MAX. DAILY AVERAGE)<br>RULE 1-1902 | MONTHLY SOURCE TEST USING IDAHO PROCEDURES |
|                | VIS. EMISSIONS          | 20% OPACITY EXCEPT FOR 3 MIN. IN ANY 60 MIN. PERIOD  | CONTINUOUS MONITORING AND RECORDING        |
|                | TRS                     | 15 PPM, DAILY (MAX DLY. AVG)<br>RULE 1-1902  | CONTINUOUS MONITORING & RECORDING          |

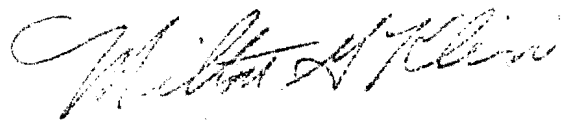
## Conditions:

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS WITH ALL VALUES EXCEEDING LIMITATIONS SPECIFIED IN THIS PERMIT SUMMARIZED WITH CORRECTIVE PROCEDURES TAKEN FOR EACH OCCURRENCE.
- 2) SUBMIT A COPY OF THE ESP ROUTINE MONITORING AND MAINTENANCE PROCEDURES, INCLUDING METHODS TO ASCERTAIN WHICH ELECTRODES ARE IN PLACE AND MAINTAINING AN OPTIMUM SPARKING RATE FOR ALL SECTIONS. SUMMARY REPORT OF MAINTENANCE SHALL BE SUBMITTED SEMI-ANNUALLY.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
Authorizing Signature

PART I

SOURCE PERMIT NO. 13-1140-0001-08

Page 10 of 19

POTLATCH CORPORATION  
PULP AND PAPER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR NO. 1 LIME KILN WITH ASSOCIATED  
VENTURI SCRUBBER AND SETTLING TANKS.

Restrictions:

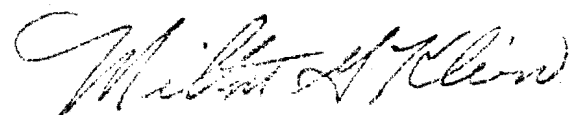
| Emission Point | Emission Characteristic | Emission Limitations  | Monitoring Requirements   |
|----------------|-------------------------|---|---|
| SCRUBBER       | PARTICULATES            | 0.12 GR/SDCF CORRECTED TO 8% O <sub>2</sub><br>(~1.0 LB/TON ADP)<br>(MAX. DLY. AVG.)<br>RULE 1-1658 | MONTHLY SOURCE TEST USING IDAHO PROCEDURES OR EQUIVALENT ALTERNATE (AFTER AN EQUIVALENT OF 30 DAYS OF OPERATION) (VISIBLE EMISSION OBSERVATION AT TIME OF SOURCE TEST IF PERFORMED) |
|                | VIS. EMISSIONS          | 40% OPACITY EXCEPT 3 MIN. IN ANY 60 MINUTE PERIOD<br>RULE 1-1202                                    |   |

Conditions:

- 1) SUBMIT QUARTERLY REPORT OF TESTING RESULTS WITH ALL VALUES EXCEEDING LIMITS SPECIFIED IN THIS PERMIT SUMMARIZED WITH CORRECTIVE PROCEDURES TAKEN FOR EACH OCCURRENCE. REPORT SHALL BE SUBMITTED EACH CALENDAR QUARTER FOLLOWING AN EQUIVALENT OF OVER 30 DAYS OF OPERATION.
- 2) SUBMIT A COPY OF OPERATING AND MAINTENANCE PROCEDURES RELATING TO: PRESSURE DROP ACROSS SCRUBBER, WATER RECYCLE RATE, SOLIDS CONTENT OF RECYCLED SCRUBBER WATER AND WATER MAKEUP RATE OR OTHER TO ASSURE OPTIMAL SCRUBBER EFFICIENCY.
- 3) SUBMIT A SEMI-ANNUAL REPORT OF MAINTENANCE ACTIVITIES PURSUANT TO ITEM 2.

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



Authorizing Signature

## PART I

SOURCE PERMIT NO. 13-1140-0001-09

Page 11 of 19

POTLATCH CORPORATION  
PULP AND PAPER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution source or control equipment: THEIR NO. 2 LINE KILN WITH ASSOCIATED SCRUBBER AND SETTLING TANKS.

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## Restrictions:

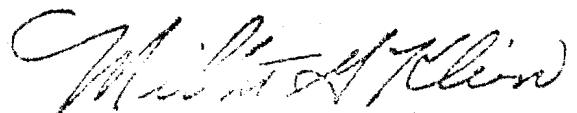
| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements   |
|----------------|-------------------------|--|---|
| SCRUBBER       | PARTICULATES            | 0.12 GR/DSCF CORRECTED TO 8% O <sub>2</sub> (~1.0 LB/TON ADP) (MAX. DAILY AVG.)<br>RULE 1-1658 | MONTHLY SOURCE TEST IDAHO PROCEDURES OR EQUIVALENT ALTERNATIVE (AFTER AN EQUIVALENT OF DAYS OF OPERATION (VIS. EMISSION OBSERVATION AT TEST SOURCE TEST IS PERFORMED) |
|                | VIS. EMISSIONS          | <40% OPACITY EXCEPT 3 MIN. IN ANY 60 MIN. PER.<br>RULE 1-1202                                  |   |

## Conditions:

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS WITH ALL VALUES EXCEEDING LIMITS SPECIFIED IN THIS PERMIT SUMMARIZED WITH CORRECTIVE PROCEDURES TAKEN FOR EACH OCCURRENCE. REPORT SHALL BE SUBMITTED EACH CALENDAR QUARTER FOLLOWING AN EQUIVALENT OF OVER 30 DAYS OF OPERATION.
- 2) SUBMIT A COPY OF OPERATING AND MAINTENANCE PROCEDURES RELATING TO: PRESSURE DROP ACROSS SCRUBBER, WATER RECYCLE RATE, SOLIDS CONTENT OF RECYCLE SCRUBBER WATER AND WATER MAKEUP RATE OR OTHER PARAMETERS TO ASSURE OPTIMAL SCRUBBER EFFICIENCY.
- 3) SUBMIT A SEMI-ANNUAL REPORT OF MAINTENANCE ACTIVITIES PURSUANT TO ITEM 2. Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



Authorizing Signature



## PART I

SOURCE PERMIT NO. 13-1140-0001Page 12 of 19POTLATCH CORPORATION  
PULP AND PAPER UNITlocated at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR NO. 3 LIME KILN WITH ASSOCIATED  
SCRUBBER AND SETTLING TANKS.

## Restrictions:

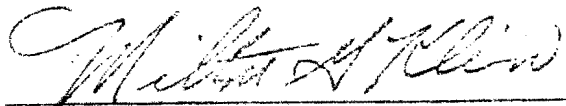
| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements   |
|----------------|-------------------------|--|---|
| SCRUBBER       | PARTICULATES            | 0.12 GR/DSCF CORRECTED TO 8% O <sub>2</sub><br>(~1.0 LB/TON ADP)<br>(MAX DLY. AVG.)<br>RULE 1-1658 | MONTHLY SOURCE TESTING USING IDAHO PROCEDURES OR EQUIVALENT ALTERNATE |
|                | VIS. EMISSIONS          | <40% OPACITY EXCEPT 3 MIN. IN ANY 60 MIN. PER.<br>RULE 1-1202                                      |   |

## Conditions:

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS WITH ALL VALUES EXCEEDING LIMIT SPECIFIED IN THIS PERMIT SUMMARIZED WITH CORRECTIVE PROCEDURES TAKEN FOR EACH OCCURRENCE. REPORT SHALL BE SUBMITTED EACH CALENDAR QUARTER FOLLOWING AN EQUIVALENT OF OVER 30 DAYS OF OPERATION.
- 2) SUBMIT A COPY OF OPERATING AND MAINTENANCE PROCEDURES RELATING TO: PRESSURE DROP ACROSS SCRUBBER, WATER RECYCLE RATE, SOLIDS CONTENT OF RECYCLE SCRUBBER WATER AND WATER MAKEUP RATE OR OTHER PARAMETERS TO ASSURE OPTIMAL SCRUBBER EFFICIENCY.
- 3) SUBMIT A SEMI-ANNUAL REPORT OF MAINTENANCE ACTIVITIES PURSUANT TO ITEM 2.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration June 30, 1981  
\_\_\_\_\_  
Authorizing Signature

Potlatch Corporation  
Pulp and Paper Unit

located near Lewiston, Idaho

is hereby granted permission to operate the following air pollution source or control equipment; Their No. 3 Lime Kiln with associated Venturi Scrubber and Settling Tanks

Restrictions:

| Emission Point | Emission Characteristic   | Emission Limitations  | Monitoring Requirements  |
|----------------|---------------------------|---|--|
| Scrubber       | Particulates              | 0.090 GR/DSCF Corrected to 10% O <sub>2</sub> (-1.6 Lb/Ton ADP) Max. Dly. Avg.                | Monthly source test using Idaho procedures or equivalent alternative |
|                | (Kiln Heated by Fuel Oil) | 0.110 GR/DSCF Corrected to 10% O <sub>2</sub> (-1.8 Lb/Ton ADP) Max. Dly. Avg.<br>Rule 1-1902 |  |
|                | Vis. Emissions            | 30% Opacity except 3 min. in any 60 min. period   | Visible emission observation at time source test is performed.       |

Conditions:

See Appendix A and Appendix B.

Validation (if different from Facility Permit)

Effective July 1, 1980

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

## PART I

SOURCE PERMIT NO. 13-1140-0001Page 14 of 19POTLATCH CORPORATION  
PULP AND PAPER UNITlocated at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR NO. 4 LIME KILN ASSOCIATED  
WITH VENTURI SCRUBBER AND SETTLING TANKS.

## Restrictions:

| Emission Point | Emission Characteristic                      | Emission Limitations  | Monitoring Requirements  |
|----------------|--|---|--|
| SCRUBBER       | PARTICULATES<br>(KILN HEATED BY NATURAL GAS) | 0.070 GR/DSCF CORRECTED TO 10% O <sub>2</sub><br>(~.60 LB/TON ADP)<br>RULE 1-1902 | MONTHLY SOURCE TEST USING IDAH<br>PROCEDURES OR E<br>ALTERNATE |
|                | (KILN HEATED BY FUEL OIL)                    | 0.090 GR/DSCF CORRECTED TO 10% O <sub>2</sub><br>(~.74 LB/TON ADP)<br>RULE 1-1902 |  |
|                | VIS. EMISSIONS                               | 20% OPACITY EXCEPT FOR 3 MIN.<br>IN ANY 60 MIN.<br>PERIOD                         | (VIS. EMISSION OBSERVATION AT<br>SOURCE TEST IS PERFORMED)     |

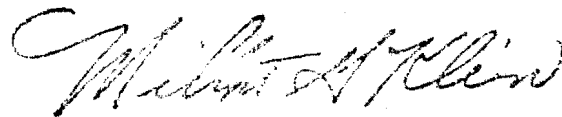
## Conditions:

SEE APPENDIX A

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



Authorizing Signature

## PART I

SOURCE PERMIT NO. 13-1140-0001-10Page 15 of 19

POTLATCH CORPORATION

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR NO. 1, 2, and 3 RECOVERY FURNACE  
SMELT DISSOLVING TANKS WITH ASSOCIATED COMMON SCRUBBER AND STACK

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations   | Monitoring<br>Requirements    |
|-------------------|----------------------------|---|-------------------------------|
| SCRUBBER          | PARTICULATES               | 0.060 GR/DSCF<br>(~0.4 LB/TADP<br>(MAX. DLY. AVG)<br>RULE 1-1902  | SEMI-ANNUAL SOURCE<br>TESTING |
|                   | VIS. EMISSIONS             | <20% OPACITY EX-<br>CEPT FOR 3 MIN.<br>IN ANY 60 MINUTE<br>PERIOD |                               |

## Conditions:

- 1) SUBMIT A SEMI-ANNUAL REPORT OF TESTING RESULTS INCLUDING ANY VALUES EXCEEDING PERMIT LIMITS AND PROCEDURES USED TO CORRECT EXCEEDENCE.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

PART I

SOURCE PERMIT NO. 13-1140-0001

Page 16 of 19

POTLATCH CORPORATION

PULP AND PAPER UNIT located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR NO. 4 RECOVERY FURNACE SMELT  
DISSOLVING TANK WITH ASSOCIATED SCRUBBER AND STACK.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations  | Monitoring<br>Requirements  |
|-------------------|----------------------------|--|-----------------------------|
| SCRUBBER          | PARTICULATES               | 0.070 GR/DSCF<br>(~0.4 LB/TADP)<br>(MAX. DLY. AVG)<br>RULE 1-1902<br><br><20% OPACITY EX-<br>CEPT FOR 3 MIN.<br>IN ANY 60 MINUTE<br>PERIOD | SEMI-ANNUAL SOUR<br>TESTING |

Conditions:

- 1) SUBMIT A SEMI-ANNUAL REPORT OF TEST RESULTS INCLUDING ANY VALUES EXCEEDING PERMIT LIMITS AND PROCEDURES USED TO CORRECT EXCEEDENCE.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant identified in this permit in excess of that authorized, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided by breakdowns as defined in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.

D Except for data determined to be confidential under section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.

E Nothing in this permit shall be construed to preclude institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal, state, or local law or regulation.

F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.

- G The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- H Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information required by the Director to assess the air pollution impact of the equipment for which the permit is granted. Failure to submit such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.
- I The Department may require the permittee to develop an Operational and Maintenance Manual which must be approved by the Director. Such Manual shall become a part of this permit by reference, and failure to comply with the terms of the Manual shall constitute a violation of this permit.
- J The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to conducting any compliance tests required pursuant to this permit. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.



APPENDIX A

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS WITH ALL VALUES EXCEEDING LIMITS SPECIFIED IN THIS PERMIT SUMMARIZED WITH CORRECTIVE PROCEDURES TAKEN FOR EACH OCCURRENCE. REPORT SHALL BE SUBMITTED EACH CALENDAR QUARTER FOLLOWING AN EQUIVALENT OF OVER 30 DAYS OF OPERATION.
- 2) SUBMIT A COPY OF OPERATING AND MAINTENANCE PROCEDURES RELATING TO: PRESSURE DROP ACROSS SCRUBBER, WATER RECYCLE RATE, SOLIDS CONTENT OF RECYCLE SCRUBBER WATER AND WATER MAKEUP RATE OR OTHER PARAMETERS TO ASSURE OPTIMAL SCRUBBER EFFICIENCY.
- 3) SUBMIT A SEMI-ANNUAL REPORT OF MAINTENANCE ACTIVITIES PURSUANT TO ITEM 2.

# APPENDIX B

Potlatch Corporation  
Pulp and Paper Unit

SOURCE PERMIT NO. 13-1140-00

- 1) The permittee maintains a differential pressure across the Venturi Scrubber of at least 18 inches of water, and a maximum solids level in the scrubbing solution of 7%.
- 2) The permittee install a "Flooded elbow" just prior to the scrubbing tank on #3 Lime Kiln, said Flooded elbow to be completed and operating by January 15, 1980.
- 3) The permittee shall comply with the following emission limits if, by July 1, 1981, it can be shown that they can be consistently met:

## EMISSION CHARACTERISTIC

## EMISSION LIMITATION

Particulates (Kiln Heated by Natural Gas)

0.02 GR/DSCF Corrected to 10% O<sub>2</sub>.

Particulates (Kiln Heated by Fuel Oil)

0.10 GR/DSCF Corrected to 10% O<sub>2</sub>.

Vis. Emissions

25% opacity except 3 min. in any 60 min. period

(Lewiston)

Appendix H.2

FACILITY PERMIT NO. 13-1140-0003-

Page 1 of \_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE  
DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

POTLATCH CORPORATION - CLEARWATER UNIT  
Permittee, including affiliates, if any

P.O. BOX 1016  
Located at

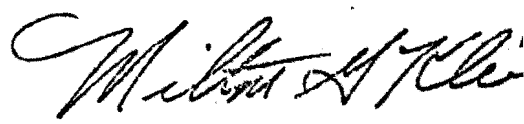
LEWISTON, IDAHO 83501

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued July 5, 1979

Expiration January 31, 1984

  
\_\_\_\_\_  
Director

## PART I

SOURCE PERMIT NO. 13-1140-0003-01Page 2 of 9POTLATCH CORPORATION  
CLEARWATER UNITlocated at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THE SPREADER STOKER WOOD WASTE FIRED  
"RILEY" BOILER AND ASSOCIATED WET SCRUBBER

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations  | Monitoring<br>Requirements                                      |
|-------------------|----------------------------|--|---|
| SCRUBBER          | PARTICULATES               | 0.130 GRAINS/DRY<br>STANDARD CUBIC FT.<br>CORRECTED TO 8% O <sub>2</sub><br>(~0.25 LB/10 <sup>6</sup> BTU) | MONTHLY SOURCE<br>TESTS   |
|                   | VISIBLE EMISSIONS          | <40% OPACITY NOT<br>TO BE EXCEEDED MORE<br>THAN 3 MINUTES IN<br>ANY 60 MINUTE PER.<br>RULE 1-1202          | (VISIBLE EMIS<br>OBSERVATIONS<br>THE TIME OF TI<br>SOURCE TEST) |

## Conditions:

- 1) SUBMIT QUARTERLY REPORT OF TESTING RESULTS CONTAINING A LISTING OF ALL VALUES WHICH EXCEED THE LIMITS SET FORTH IN THIS PERMIT AND THE PROCEDURES TAKEN TO REDUCE VALUES BELOW THOSE LIMITS.
- 2) SUBMIT A COPY OF OPERATING AND MAINTENANCE PROCEDURES RELATING TO: PRESSURE DROP ACROSS SCRUBBER, WATER RECYCLE RATE, SOLIDS CONTENT OF RECYCLE SCRUBBER WATER AND WATER MAKEUP RATE OR OTHER PARAMETERS TO ASSURE OPTIMAL SCRUBBER EFFICIENCY.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration JANUARY 31, 1981

PART I

SOURCE PERMIT NO. 13-1140-0003-01

Page 3 of 9

POTLATCH CORPORATION  
CLEARWATER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THE SPREADER STOKER WOOD WASTE FIRED  
"RILEY" BOILER AND ASSOCIATED WATER SCRUBBER.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations  | Monitoring<br>Requirements                                     |
|-------------------|----------------------------|--|--|
| SCRUBBER          | PARTICULATES               | 0.080 GRAINS/DRY<br>STANDARD CUBIC<br>FOOT, CORRECTED<br>TO 8% O <sub>2</sub> (~0.16<br>LB/10 <sup>6</sup> BTU) RULE<br>1-1902 | MONTHLY SOURCE<br>TESTS  |
|                   | VISIBLE EMISSIONS          | <20% OPACITY NOT<br>TO BE EXCEEDED<br>MORE THAN 3 MIN-<br>UTES IN ANY 60<br>MINUTE PERIOD.                                     | (VISIBLE EMISS.<br>OBSERVATIONS AT<br>TIME OF THE SOI<br>TEST) |

Conditions:

- 1) SUBMIT QUARTERLY REPORT OF TESTING RESULTS CONTAINING A LISTING OF ALL VALUES WHICH EXCEED THE LIMITS SET FORTH IN THIS PERMIT AND THE PROCEDURES TAKEN TO REDUCE VALUES BELOW THOSE LIMITS.
- 2) SUBMIT A COPY OF OPERATING AND MAINTENANCE PROCEDURES RELATING TO: PRESSURE DROP ACROSS SCRUBBER, WATER RECYCLE RATE, SOLIDS CONTENT OF RECYCLE SCRUBBER WATER AND WATER MAKEUP RATE OR OTHER PARAMETERS TO ASSURE OPTIMAL SCRUBBER EFFICIENCY.

Validation (if different from Facility Permit)

Effective Date February 1, 1981

Expiration \_\_\_\_\_

*Handwritten signature*

PART I

SOURCE PERMIT NO. 13-1140-0003-06

Page 4 of

POTLATCH CORPORATION  
CLEARWATER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: THEIR DUTCH OVEN TYPE "KIDWELL" HOGGE  
FUEL BOILERS NO.S 1 AND 2 AND ASSOCIATED BREECHING AND STACK.

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations  | Monitoring Requirements       |
|----------------|-------------------------|---|-------------------------------|
| EAST STACK     | PARTICULATES            | 0.18 GR/DSCF TO 8% O <sub>2</sub> (~.36 LB/10 <sup>6</sup> BTU EACH BOILER) RULE 1-1302 | SEMI-ANNUAL SO TESTING        |
|                | VIS. EMISSIONS          | <20% OPACITY EXCEPT FOR 3 MIN. IN ANY 60 MIN. PER. RULE 1-1202                          | CONTINUOUS MONITORING AND REC |

Conditions:

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS CONTAINING A LISTING OF VALU EXCEEDING LIMITS SPECIFIED IN THIS PERMIT WITH CORRECTIVE MEASURE TAKEN T REDUCE LEVELS OF EMISSIONS.
- 2) UPON CERTIFICATION AND OPERATION OF NO. 4 POWER BOILER, NO MORE THAN TWO WELL BOILERS SHALL BE OPERATED ON WOOD FUEL AT ANY ONE TIME. IF OPERATED, OTHER TWO UNITS SHALL BE FIRED WITH NATURAL GAS. POTLATCH SHALL SUPPLY QUARTERLY DATA INDICATING THE AMOUNT AND TYPES OF FUEL BY EACH KIDWELL BOILER

Validation (if different from Facility Permit)

Issued

Expiration

*M. H. St. Klein*

## PART I

SOURCE PERMIT NO. 13-1140-0003Page 5 of     POTLATCH CORPORATION  
CLEARWATER UNITlocated at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution source or control equipment: THEIR DUTCH OVEN TYPE "KIDWELL" HOGGE FUEL FIRED BOILERS NOS. 3 AND 4 AND ASSOCIATED BREECHING AND STACK

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## Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements             |
|----------------|-------------------------|--|-------------------------------------|
| WEST STACK     | PARTICULATES            | 0.18 GR/DSCF CORRECTED TO 8% O <sub>2</sub> (~.36 LB/10 <sup>6</sup> BTU EACH BOILER)<br>RULE 1-1302 | SEMI-ANNUAL STACK TESTING           |
|                | VIS. EMISSIONS          | <20% OPACITY EXCEPT FOR 3 MIN. IN ANY 60 MIN. PERIOD - RULE 1-1202                                   | CONTINUOUS MONITORING AND RECORDING |

## Conditions:

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS CONTAINING A LISTING OF VALUES EXCEEDING THE LIMITS SPECIFIED IN THIS PERMIT WITH CORRECTIVE MEASURES TAKEN TO REDUCE LEVELS OF EMISSIONS.
- 2) UPON CERTIFICATION AND OPERATION OF NO. 4 POWER BOILER, NO MORE THAN TWO KIDWELL BOILERS SHALL BE OPERATED ON WOOD FUEL AT ANY ONE TIME. IF OPERATING THE OTHER TWO UNITS SHALL BE FIRED WITH NATURAL GAS. POTLATCH SHALL SUPPLY QUARTERLY DATA INDICATING THE AMOUNT AND TYPES OF FUEL USED BY EACH KIDWELL BOILER.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
Milton A. Klein

Authorizing Signature

PART I

SOURCE PERMIT NO. 13-1140-0003

Page 6a of 9

POTLATCH CORPORATION  
CLEARWATER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: A PLYSTRAN UNIT WITH ASSOCIATED DRYER

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations  | Monitoring<br>Requirements                   |
|-------------------|----------------------------|--|--|
| DRYER             | VISIBLE EMISSIONS          | <40% OPACITY EX-<br>CEPT FOR 3 MIN.<br>IN ANY 60 MIN.<br>PERIOD (RULE<br>1-1203) | CONTINUOUS MOI-<br>TORING AND RE-<br>CORDING |

Conditions:

- 1) SUBMIT A QUARTERLY REPORT OF TESTING RESULTS INCLUDING ALL VALUES WHICH EXCEED THE LIMITS SET FORTH IN THIS PERMIT AND THE PROCEDURES TAKEN TO REDUCE ANY EXCEEDANCE BELOW THOSE LIMITS.
- 2) SUBMIT OPERATING AND MAINTENANCE PROCEDURES ON THE DRYER WHICH ARE DESIGNED TO ENSURE UNIT OPERATES IN A MANNER TO MINIMIZE SMOKE PRODUCTION INCLUDING CONSIDERATION OF OPTIMAL COMBUSTION CHAMBER TEMPERATURE.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



Authorizing Signature



PART I

SOURCE PERMIT NO. 13-1140-0003

Page 6b of 9

POTLATCH CORPORATION  
CLEARWATER UNIT

located at LEWISTON, IDAHO

is hereby granted permission to operate the following air pollution  
source or control equipment: A PLYSTRAN UNIT WITH ASSOCIATED DRYE

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations   | Monitoring<br>Requirements                    |
|-------------------|----------------------------|---|---|
| DRYER             | VISIBLE EMISSIONS          | <40% OPACITY<br>EXCEPT FOR 3<br>MINUTES IN ANY<br>60 MINUTE PERIOD<br>RULE 1-1203 | CONTINUOUS MON-<br>ITORING AND RE-<br>CORDING |

Conditions:

- 3) REDUCE VISIBLE EMISSIONS TO LESS THAN 20% OPACITY, EXCEPT FOR 3 MINUTES  
IN ANY 60 MINUTE PERIOD IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:
- a) BY JULY 1, 1976, COMPLETE ENGINEERING STUDY
  - b) BY JULY 15, 1979, ORDER ALL NECESSARY CONTROLS OR MODIFICATIONS
  - c) BY JUNE 1, 1980, COMPLETE INSTALLATION OF NECESSARY CONTROLS AND MOD-  
IFICATIONS
  - d) BY JULY 1, 1980, ASSURE FINAL COMPLIANCE WITH THIS CONDITION

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton L. Klein*

## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant identified in this permit in excess of that authorized, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided by breakdowns as defined in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method require in this permit, and to sample any emission of pollutants.

D Except for data determined to be confidential under section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.

E Nothing in this permit shall be construed to preclude institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal, state, or local law or regulation.

F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.

- G The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- H Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information required by the Director to assess the air pollution impact of the equipment for which the permit is granted. Failure to submit such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.
- I The Department may require the permittee to develop an Operational and Maintenance Manual which must be approved by the Director. Such Manual shall become a part of this permit by reference, and failure to comply with the terms of the Manual shall constitute a violation of this permit.
- J The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to conducting any compliance tests required pursuant to this permit. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE  
DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

Coast Trading Company, Inc.  
Permittee, including affiliates, if any

Lewiston,  
Located at

Idaho 83501

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued 6/29/79

Expiration 6/28/84

*Milton G. Klein*  
Director 844

## PART I

SOURCE PERMIT NO. 13-1140-0011-01Page 2 of 8

Coast Trading Company, Inc. located at Lewiston, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Their grain terminal truck dump and  
• barge loading unit with associated fabric filter.

## Restrictions:

| Emission Point | Emission Characteristic   | Emission Limitations  | Monitoring Requirements  |
|----------------|---------------------------|---|--|
| Fabric Filter  | Particulate               | < 10% opacity not to be exceeded more than 3 minutes in any 60 minute period, Rule 1-1203     | Weight of dust collected by fabric filter reported quarterly, Manual Sec. 1-1005.01(c) |
| Truck Dump     | Particulate Fugitive Dust | < 20% opacity not to be exceeded more than 3 minutes in any 60 minute period, Rule 1-1203     | None   |
| Barge Loading  | Particulate Fugitive Dust | < 20% opacity not to be exceeded for more than 3 minutes in any 60 minute period, Rule 1-1203 | None   |

## Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton J. Klein*  
\_\_\_\_\_  
Authorizing Signature

## PART I

SOURCE PERMIT NO. 13-1140-0011-02Page 3 of 8

Coast Trading Company, Inc. located at Lewiston, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Their plant access roads.

## Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements                              |
|----------------|-------------------------|--|--|
| Roads          | Fugitive Dust           | Compliance with Manual Section 1-1251 of <u>Rules &amp; Regulations for Control of Air Pollution in Idaho</u> include all reasonable precautions to prevent particulate matter from becoming airborne as described in attached Appendix A. | Quarterly rep of measures which have be implemented. |

## Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration 12/31/80

Milton J. Klein  
Authorizing Signature

## PART I

SOURCE PERMIT NO. 13-1140-0011-02Page 4 of 8

Coast Trading Company, Inc. located at Lewiston, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Their plant access roads.

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

## Restrictions:

| Emission Point                       | Emission Characteristic   | Emission Limitations   | Monitoring Requirements |
|--------------------------------------|---------------------------|--|-------------------------|
| Incoming Traffic Access Road         | Particulate Fugitive Dust | The incoming traffic access road shall be paved. Paving shall be maintained in a clean condition as per Manual Section 1-1252.06 | None                    |
| Exit Traffic Access Road Conditions: | Particulate Fugitive Dust | The exit traffic access road shall be paved. Paving shall be maintained in a clean condition as per Manual Section 1-1252.06     | None                    |

Validation (if different from Facility Permit)

Effective 1/1/81

Expiration \_\_\_\_\_

*Milton G. Klein*  
\_\_\_\_\_  
Authorizing Signature



## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant identified in this permit in excess of that authorized, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided by breakdowns as defined in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.

D Except for data determined to be confidential under section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.

E Nothing in this permit shall be construed to preclude institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal, state, or local law or regulation.

F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.

- G The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- H Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information required by the Director to assess the air pollution impact of the equipment for which the permit is granted. Failure to submit such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.
- I The Department may require the permittee to develop an Operational and Maintenance Manual which must be approved by the Director. Such Manual shall become a part of this permit by reference, and failure to comply with the terms of the Manual shall constitute a violation of this permit.
- J The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to conducting any compliance tests required pursuant to this permit. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

APPENDIX A

- 1) All haul roads, access roads and traffic patterns shall be paved, oiled, or watered at least twice daily during the operating season unless wet because of natural precipitation, in order to control fugitive dust.
- 2) All paved areas on the plant grounds shall be maintained in a dust-free condition by wet sweeping or equivalent methods. The removal of dust shall be accomplished at least weekly during the operating season and more frequently if required because of excessive dust accumulation and dry weather.
- 3) All permittee-owned or operated open-bodied trucks transporting fugitive dust generating materials to or from the plant location shall be covered at all times while in motion on public roads.

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE  
DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

Lewis-Clark Terminal Association  
Permittee, including affiliates, if any  
Lewiston,  
Located at  
Idaho

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

## Validation:

Issued 6/29/79Expiration 6/28/84

*Milton S. Klein*  
Director

## PART I

SOURCE PERMIT NO. 13-1140-0010-01Page 2 of 7Lewis-Clark Terminal Association located at Lewiston, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Their grain terminal truck dump and  
barge loading unit with associated fabric filter.

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic   | Emission<br>Limitations  | Monitoring<br>Requirements  |
|-------------------|------------------------------|--|---|
| Fabric Filter     | Particulate                  | <10% opacity not to<br>be exceeded more than<br>3 minutes in any 60<br>minute period - Rule<br>1-1203  | Weight of dust<br>collected by fa<br>filter reported<br>quarterly manua<br>Section 1-1005.<br>(c) |
| Truck Dump        | Particulate                  | < 20% opacity not to be<br>exceeded more than 3<br>minutes in any 60<br>minute period - Rule<br>1-1203 | None  |
| Barge Loading     | Particulate<br>Fugitive Dust | < 20% opacity not to be<br>exceeded more than 3<br>minutes in any 60<br>minute period - Rule<br>1-1203 | None  |

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton S. Klein*  
\_\_\_\_\_  
Authorizing Signature

PART I

SOURCE PERMIT NO. 13-1140-0010-02

Page 3 of 7

Lewis-Clark Terminal Association located at Lewiston, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Their plant access roads.

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations   | Monitoring Requirements                                 |
|----------------|-------------------------|--|---|
| Roads          | Fugitive Dust           | Compliance with Manual Section 1-1251 of Rules & Regulations For The Control of Air Pollution in Idaho Manual Include all reasonable precautions to prevent particulate matter from becoming airborne as described in attached listings 1 through 3. | Quarterly rep. of measures which have been implemented. |

Conditions:

Compliance with requirements listed in Appendix A.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration August 31, 1980

*Milton S. Klein*  
Authorizing Signature

## PART I

SOURCE PERMIT NO. 13-1140-0010-02Page 4 of 7

Lewis-Clark Terminal Association located at Lewiston, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Their plant access roads.

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Restrictions:

| Emission Point               | Emission Characteristic | Emission Limitations   | Monitoring Requirements |
|------------------------------|-------------------------|--|-------------------------|
| Incoming Traffic Access Road | Particulate             | The incoming traffic access road shall be paved. Paving shall be maintained in a clean condition as per manual Section 1-1252.06 | None                    |
| Exit traffic Access Road*    | Particulate             | Compliance with Manual Section 1-1252  |                         |

## Conditions:

If the eastern boundary of the property line is changed before the expiration of this permit the exit traffic access road shall be paved within nine (9) months of said occurrence.

Compliance with requirements listed in Appendix A.

Validation (if different from Facility Permit)

Effective 9/1/80

Expiration \_\_\_\_\_

Nelson J. Klein  
Authorizing Signature



- 2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.
- D Except for data determined to be confidential under section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.
- E Nothing in this permit shall be construed to preclude institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal, state, or local law or regulation.
- F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.

## PART II GENERAL PROVISIONS

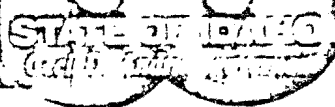
- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant identified in this permit in excess of that authorized, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided by breakdowns as defined in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

- G The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- H Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information required by the Director to assess the air pollution impact of the equipment for which the permit is granted. Failure to submit such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.
- I The Department may require the permittee to develop an Operational and Maintenance Manual which must be approved by the Director. Such Manual shall become a part of this permit by reference, and failure to comply with the terms of the Manual shall constitute a violation of this permit.
- J The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to conducting any compliance tests required pursuant to this permit. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

## APPENDIX A

- 1) All haul roads, access roads and traffic patterns shall be paved, oiled, or watered at least twice daily during the operating season unless wet because of natural precipitation, in order to control fugitive dust.
- 2) All paved areas on the plant grounds shall be maintained in a dust-free condition by wet sweeping or equivalent methods. The removal of dust shall be accomplished at least weekly during the operating season and more frequently if required because of excessive dust accumulation and dry weather.
- 3) All permittee-owned or operated open-bodied trucks transporting fugitive dust generating materials to or from the plant location shall be covered at all times while in motion on public roads.

department of health and welfare



STATEHOUSE, BOISE, 83720

Page 1

Permit No. 0880-0008

POLLUTION SOURCE PERMIT

In compliance with the provisions of Section 39-115, Idaho Code,

POE ASPHALT

is authorized to emit from a facility located at \_\_\_\_\_

Lewiston, Idaho

in accordance with emission limitations, monitoring requirements  
and other conditions set forth in Parts I, II, and III hereof.

This permit shall become effective on March 1, 1976.

This permit and the authorization to discharge shall expire at  
midnight, March 1, 1981.

Signed this \_\_\_\_\_ day of \_\_\_\_\_

A handwritten signature in cursive script, likely of the Director, is written over a horizontal line.

DIRECTOR

PART I

A. EMISSION LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning March 1, 1976 and lasting through March 1, 1981 the permittee is authorized to discharge to the atmosphere within the limits and monitored by the permittee as specified below:

| <u>EMISSION CHARACTERISTIC</u> |                             | <u>EMISSION LIMITATIONS</u>   | <u>MONITORING REQUIREMENTS</u> |                            |                    |
|--------------------------------|-----------------------------|---|--------------------------------|----------------------------|--------------------|
| <u>Source</u>                  | <u>Contaminant</u>          |   | <u>Measurement Frequency</u>   | <u>Reporting Frequency</u> | <u>Sample Type</u> |
| Baghouse Stack                 | Total Suspended Particulate | 1. Listed on pg. 32, Table VII-2, Regulation H (copy enclosed pg. 10)<br><br>2. Regulations N and E, Idaho Rules and Regulations. |                                |                            |                    |

No routine monitoring required

2. Samples taken in compliance with the monitoring requirements specified above shall be taken at or near maximum the operating rate of the process unless continuous samples are required.

## PART I

## B. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored emission.

2. Reporting

Monitoring and sampling results shall be summarized, reported, and postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on \_\_\_\_\_.

Reports shall be submitted to the Department of Health and Welfare at the following address:

Department of Health & Welfare  
Air Pollution Control  
Statehouse  
Boise, Idaho 83720

3. Test Procedures

None

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact source, date, and operating rate at time of sampling;
- b. The analytical techniques or methods used; and
- c. The results of all required analyses.

5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required. Such increased frequency shall also be indicated.

6. Records Retention

All records and information resulting from the monitoring activities required by this permit including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation shall be retained for a minimum of two (2) years, or longer if requested by the Director.

C. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the emission limitations specified for discharges in accordance with the following schedule:

None

2. No later than 15 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.



## PART II

## A. MANAGEMENT REQUIREMENTS

1. Change in Discharge

All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased emission of pollutants must be reported by submission of a new application or, if such changes will not violate the emission limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

If, for any reason, the permittee does not comply with or will be unable to comply with any emission limitation specified in this permit, the permittee shall provide the Administrator with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the emission and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying emission.

3. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.

## PART II

### 4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to air quality resulting from noncompliance with any emission limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying emission.

### 5. Bypassing

Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except where unavoidable to prevent loss of life or severe property damage. The permittee shall promptly notify the Administrator in writing of each such diversion or bypass.

### 6. Removed Substances

Solids, sludges, or other pollutants removed from or resulting from treatment or control of emissions shall be disposed of in compliance with all applicable rules and regulations governing air pollution control, water quality management, and solid waste management.

### 7. Control Equipment Failures

In order to maintain compliance with the emission limitations and prohibitions of this permit, the permittee shall either:

- a. In accordance with the Schedule of Compliance contained in Part I, provide an alternative control system sufficient to control the facilities;

or, if no date for implementation for an alternate control system appears in Part I,

- b. Halt, reduce or otherwise control production and/or emissions upon the reduction, loss, or failure of one or more of the primary control systems in order to maintain ambient air pollution levels below the standards and/or at such a level as to not be harmful to man, animals, or vegetation.

## PART II

### B. RESPONSIBILITIES

#### 1. Right of Entry

The permittee shall allow the Director, and/or his authorized representatives, upon the presentation of credentials:

- a. To enter upon the permittee's premises where an emissions source is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any emission of pollutants.

#### 2. Transfer of Ownership or Control

In the event of any change in control or ownership of facilities from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.

#### 3. Availability of Reports

Except for data determined to be confidential under Section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of Environmental Services. Emission data shall not be considered confidential. Knowingly making false statement on any such report may result in the imposition of criminal penalties.

#### 4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized emission.

## PART II

### 5. Toxic Pollutants

Notwithstanding Part II, B-4, above, if a toxic emission or ambient standard or prohibition (including any schedule of compliance specified in such emission or ambient standard or prohibition) is established for a toxic pollutant which is present in the emission and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic emission or ambient standard or prohibition and the permittee so notified.

### 6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part II, A-5) and "Control Equipment Failures" (Part II, A-7), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, with the provisions of this permit.

### 7. Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject.

### 8. Other Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State, or local law or regulation.

### 9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

### 10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

PART III

OTHER REQUIREMENTS

1. Plant fugitive dust emissions shall be kept at a minimum by keeping all duct work and process equipment in a state of good repair.
2. Yard area fugitive dust emissions shall be controlled by:
  - a. Paving, watering or oiling all traffic patterns, with the paved area maintained free of entrainable dust or dirt.
3. Any maintenance pertaining to the baghouse or other emission sources shall be recorded.
4. Dust control equipment shall be operated and maintained within the same operational parameters that existed at the time the plant was tested and found in compliance.
5. Copy of this permit shall be posted in the control room of the plant.

TABLE VII-2

## ALLOWABLE RATE OF EMISSION BASED ON

## PROCESS WEIGHT RATE\*

| Process Weight Rate |         |       | Process Weight Rate |          |       |
|---------------------|---------|-------|---------------------|----------|-------|
| Rate of Emission    |         |       | Rate of Emission    |          |       |
| Lb/Hr               | Tons/Hr | Lb/Hr | Lb/Hr               | Tons/Hr  | Lb/Hr |
| 100                 | 0.05    | 0.551 | 16,000              | 8.00     | 16.5  |
| 200                 | 0.10    | 0.877 | 18,000              | 9.00     | 17.9  |
| 400                 | 0.20    | 1.40  | 20,000              | 10.00    | 19.2  |
| 600                 | 0.30    | 1.83  | 30,000              | 15.00    | 25.2  |
| 800                 | 0.40    | 2.22  | 40,000              | 20.00    | 30.5  |
| 1,000               | 0.50    | 2.58  | 50,000              | 25.00    | 35.4  |
| 1,500               | 0.75    | 3.38  | 60,000              | 30.00    | 40.0  |
| 2,000               | 1.00    | 4.10  | 70,000              | 35.00    | 41.3  |
| 2,500               | 1.25    | 4.76  | 80,000              | 40.00    | 42.5  |
| 3,000               | 1.50    | 5.38  | 90,000              | 45.00    | 43.6  |
| 3,500               | 1.75    | 5.96  | 100,000             | 50.00    | 44.6  |
| 4,000               | 2.00    | 6.52  | 120,000             | 60.00    | 46.3  |
| 5,000               | 2.50    | 7.58  | 140,000             | 70.00    | 47.8  |
| 6,000               | 3.00    | 8.56  | 160,000             | 80.00    | 49.0  |
| 7,000               | 3.50    | 9.49  | 200,000             | 100.00   | 51.2  |
| 8,000               | 4.00    | 10.4  | 1,000,000           | 500.00   | 69.0  |
| 9,000               | 4.50    | 11.2  | 2,000,000           | 1,000.00 | 77.6  |
| 10,000              | 5.00    | 12.0  | 6,000,000           | 3,000.00 | 92.7  |
| 12,000              | 6.00    | 13.6  |                     |          |       |

\*Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation  $E = 4.10 P^{0.67}$ , and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation:

$$E = 55.0 P^{0.11} - 40, \text{ where } E = \text{rate of emission in lb/hr and} \\ P = \text{process weight rate in tons/hr.}$$

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE  
DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

FMC CORPORATION  
Permittee, including affiliates, if any

Located at

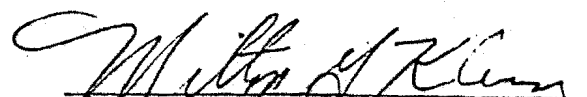
Pocatello, Idaho

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued February 26, 1980

Expiration February 26, 1985

  
Director

FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Enclosed shale crushing operation and  
covered conveying system. Emissions controlled by 3 baghouses.

## Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations | Monitoring Requirements                                     |
|----------------|-------------------------|----------------------|---|
| #1 Baghouse    | Particulate             | 1.0 lb/hr            | Stack test as Required by Operation and Maintenance Manual. |
| #2 Baghouse    | Particulate             | 2.0 lb/hr            |   |
| #3 Baghouse    | Particulate             | 3.0 lb/hr            |   |

## Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedure established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
Authorizing Signature



FMC CORPORATION located n/w/r AT POCATELLO, IDAHO  
is hereby granted permission to operate the following air pollution  
source or control equipment; #1 calciner and cooler. Emissions from  
the calciner are controlled by two scrubbers in parallel; the emissions  
from the first cooler section are controlled by a baffled settling  
chamber and the exhaust gases are refed to the calciner as preheat air;  
the second cooler is divided into two parts - emissions controlled by a  
settling chamber and exhausted out a common stack.

## Restrictions:

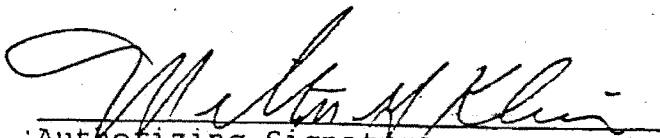
| Emission Point | Emission Characteristic | Emission Limitations | Monitoring Requirements                                    |
|----------------|-------------------------|----------------------|--|
| Scrubber       | Particulate             | 38.0 lb/hr           | Stack Test as Required by Operation and Maintenance Manual |
| Scrubber       | Particulate             | 38.0 lb/hr           |  |
| Split Cooler   | Particulate             | 16.0 lb/hr           |  |
| Stack          | Particulate             | 16.0 lb/hr           |  |

## Conditions:

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; #2 calciner and cooler. Emissions from  
the calciner are controlled by two scrubbers in parallel; the emissions  
from the first cooler section are controlled by a baffled settling  
chamber and the exhaust gases are refed to the calciner as preheat air;  
the second cooler is divided into two parts - emissions controlled by  
a baffled settling chamber and exhausted out two stacks, one for each  
section.

## Restrictions:

| Emission Point  | Emission Characteristic | Emission Limitations | Monitoring Requirements                                     |
|-----------------|-------------------------|----------------------|---|
| Scrubber #1     | Particulate             | 38.0 lb/hr           | Stack Test as Required by Operation and Maintenance Manual. |
| Scrubber # 2    | Particulate             | 38.0 lb/hr           |   |
| Cooler Stack #1 | Particulate             | 36.0 lb/hr           |   |
| Cooler Stack #2 | Particulate             | 25.0 lb/hr           |   |

## Conditions:

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Reclaim area and transfer of briquets  
with emissions controlled by 2 baghouses.

## Restrictions:

| Emission Point       | Emission Characteristic | Emission Limitations | Monitoring Requirements                                     |
|----------------------|-------------------------|----------------------|---|
| North Nodule Reclaim | Particulate             | 3.0 lb/hr            | Stack Test as Required by Operation and Maintenance Manual. |
| South Nodule Reclaim | Particulate             | 3.0 lb/hr            |   |

## Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedure established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

Wilton A. Khin  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Proportioning system, including nodules and  
silica, controlled by 3 baghouses (East and West Nodule Baggouses and  
Silo Baghouse)..

## Restrictions:

| Emission Point       | Emission Characteristic | Emission Limitations | Monitoring Requirements                                    |
|----------------------|-------------------------|----------------------|--|
| East Nodule Baghouse | Particulate             | 3.0 lb/hr            | Stack Test as Required by Operation and Maintenance Manual |
| West Nodule Baghouse | Particulate             | 3.0 lb/hr            |  |
| Silo Baghouse        | Particulate             | 3.0 lb/hr            |  |

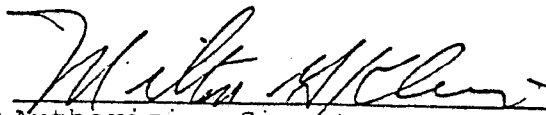
## Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedure established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Furnace burdening system, controlled by  
two baghouses on the four furnaces.

## Restrictions:

| Emission Point     | Emission Characteristic | Emission Limitations | Monitoring Requirements                                     |
|--------------------|-------------------------|----------------------|---|
| #1 Burden Baghouse | Particulate             | 6.0 lb/hr            | Stack Test as Required by Operation and Maintenance Manual. |
| #2 Burden Baghouse | Particulate             | 6.0 lb/hr            |   |

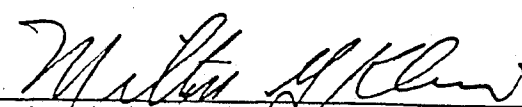
## Conditions:

When visible emissions from a baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedures established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho is hereby granted permission to operate the following air pollution source or control equipment; Coke handling system with emissions controlled by a baghouse.

## Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations | Monitoring Requirements                                     |
|----------------|-------------------------|----------------------|---|
| Baghouse       | Particulate             | 3.0 lb/hr            | Stack Test as Required by Operation and Maintenance Manual. |

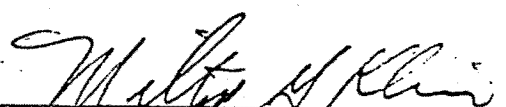
## Conditions:

When visible emissions from a baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedures established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; #1 electric arc furnace, with tapping  
emissions controlled by 2 Medusa scrubbers in a crossover network  
followed by an Andersen control system.

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Andersen system   | Particulate                | 5.0 lb/hr               | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual. |


## Conditions:

the Andersen Control System  
When visible emissions from ~~a baghouse~~ exceed 5% opacity, corrective  
action shall be implemented in accordance with procedures established in  
the Operation and Maintenance Manual. However, exceeding 5% opacity  
shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; #2 electric arc furnace, with tapping  
emissions controlled by 2 Medusa scrubbers in a crossover network  
followed by an Andersen control system.

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Andersen system   | Particulate                | 5.0 lb/hr               | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual. |

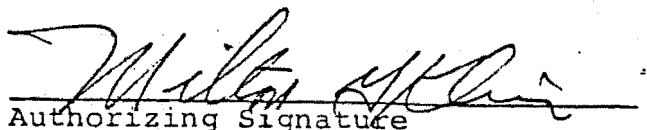
## Conditions:

the Andersen Control System  
When visible emissions from ~~a/baghouse~~ exceed 5% opacity, corrective  
action shall be implemented in accordance with procedures established in  
the Operation and Maintenance Manual. However, exceeding 5% opacity  
shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature



FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; #3 electric arc furnace, with tapping  
emissions controlled by 2 Medusa scrubbers in a crossover network  
followed by an Andersen control system.

## Restrictions:

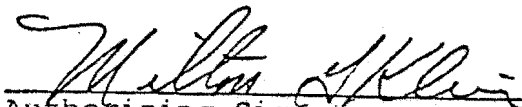
| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Andersen system   | Particulate                | 5.0 lb/hr               | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual. |

Conditions: the Andersen Control System  
When visible emissions from ~~the Andersen Control System~~ exceed 5% opacity, corrective  
action shall be implemented in accordance with procedures established in  
the Operation and Maintenance Manual. However, exceeding 5% opacity  
shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho is hereby granted permission to operate the following air pollution source or control equipment; #4 electric arc furnace, with tapping emissions controlled by 2 Medusa scrubbers in a crossover network followed by an Andersen control system.

## Restrictions:

| Emission Point  | Emission Characteristic | Emission Limitations | Monitoring Requirements                                     |
|-----------------|-------------------------|----------------------|---|
| Andersen system | Particulate             | 5.0 lb/hr            | Stack Test as Required by Operation and Maintenance Manual. |

## Conditions:


the Andersen Control System

When visible emissions from ~~A/Baghouse~~ exceed 5% opacity, corrective action shall be implemented in accordance with procedures established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
Authorizing Signature

FMC CORPORATION located now at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Dust Disposal system from FBD electrostatic  
precipitator controlled by a scrubber.

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## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Scrubber          | Particulate                | 22.0 lb/hr              | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual. |

## Conditions:

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; carbon monoxide flare pit - used to control  
carbon monoxide pressure in furnace and calciner operations.

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## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements |
|-------------------|----------------------------|-------------------------|----------------------------|
|-------------------|----------------------------|-------------------------|----------------------------|

General provisions of the Rules and Regulations for the Control of  
Air Pollution in Idaho.

## Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; P4 dock, with wet wall electrostatic  
precipitator to control emissions from rail loading of phosphorus.

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Precipitator      | Particulate                | 3.0 lb/hr               | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual. |

## Conditions:

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment; Three boilers fired by natural gas with  
distillate fuel oil as standby.

Restrictions:

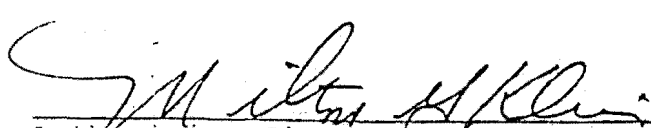
| Emission<br>Point   | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements |
|---|----------------------------|-------------------------|----------------------------|
| Sulfur limited in distillate fuel grades as defined in Section 1-1354<br>of the <u>Rules and Regulations for the Control of Air Pollution in Idaho.</u> |                            |                         |                            |

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Nodule stockpiling ladders, controlled by  
a baghouse.

## Restrictions:

| Emission<br>Point     | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-----------------------|----------------------------|-------------------------|---|
| Stockpile<br>Baghouse | Particulate                | 3.0 lb/hr               | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual. |

## Conditions:

When visible emissions from a baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedures established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this Permit.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

FMC CORPORATION located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; All haul and access roads, parking areas,  
and other areas with potential for fugitive dust production.

## Restrictions:


| Emission<br>Point                 | Emission<br>Characteristic | Emission<br>Limitations  | Monitoring<br>Requirements   |
|-----------------------------------|----------------------------|--------------------------|--|
| Plant roads and<br>parking areas. | Fugitive Dust              | See conditions<br>below. | Recording and<br>monitoring as<br>required by<br>Operation and<br>Maintenance<br>Manual. |

## Conditions:

1. All unpaved roads and parking areas shall be treated with water or a chemical suppressant in accordance with the procedures established in the Operation and Maintenance Manual.
2. All paved roads shall be maintained in a clean condition by wet sweeping or wet washing. The removal of dust shall be accomplished in accordance with the procedures established in the Operation and Maintenance Manual.

Validation (if different from Facility Permit)

Issued Expiration 

  
Authorizing Signature



## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.

D Except for data determined to be confidential under Section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.

E Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state or local law or regulation, except as specifically provided herein.

F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.

G Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit

such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.

- II The Director may require the permittee to develop a list of Operation and Maintenance Procedures which must be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to the scheduled date of any emissions test required pursuant to this permit. The permittee shall notify the appropriate regional office of any change in the testing schedule and shall provide at least one (1) days notice prior to conducting any rescheduled test. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

STATE OF IDAHO  
DEPARTMENT OF HEALTH AND WELFARE  
DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

J. R. Simplot Company  
Permittee, including affiliates, if any

Post Office Box 912  
Located at

Pocatello, Idaho 83201

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued March 4, 1980

Expiration March 4, 1985

  
Director

J. R. Simplot Company located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; 100 calciner with emissions controlled  
by cyclones followed by a high efficiency scrubber.

## Restrictions:

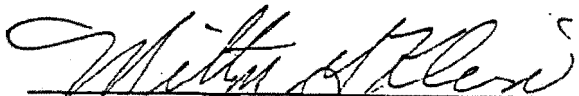
| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements   |
|-------------------|----------------------------|-------------------------|--|
| Scrubber          | Particulate                | 3.8 lb/hour             | Stack Test as<br>required by<br>Operation and<br>Maintenance<br>Manual |

## Conditions:

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; 200 calciner with emissions controlled  
by cyclones followed by a high efficiency scrubber.

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## Restrictions:

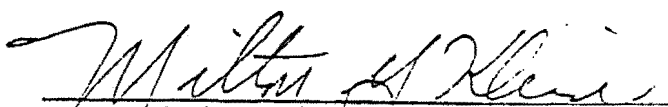
| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements   |
|-------------------|----------------------------|-------------------------|--|
| Scrubber          | Particulate                | 41.7 lb/hour            | Stack Test as<br>required by<br>Operation and<br>Maintenance<br>Manual |

## Conditions:

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located ~~near~~ Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; 300 calciner with emissions controlled  
cyclones followed by an electrostatic precipitator.

## Restrictions:


| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements   |
|-------------------|----------------------------|-------------------------|--|
| Precipitator      | Particulate                | 51.0 lb/hour            | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual |

## Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Numbers 1 and 4 roller mills with emissions  
controlled by a cyclone followed by a baghouse

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements   |
|-------------------|----------------------------|-------------------------|--|
| Baghouse          | Particulate                | 6.6 lb/hour             | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual |

## Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedures established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this permit.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

Milton H. Klesi  
Authorizing Signature



J. R. Simplot Company located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Number 2 roller mill with emissions  
controlled by a baghouse

## Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations | Monitoring Requirements                                    |
|----------------|-------------------------|----------------------|--|
| Baghouse       | Particulate             | 1.8 lb/hour          | Stack Test as Required by Operation and Maintenance Manual |

## Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedures established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this permit.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Number 5 roller mill with emissions  
controlled by a cyclone followed by a baghouse

## Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations | Monitoring Requirements                                    |
|----------------|-------------------------|----------------------|--|
| Baghouse       | Particulate             | 12.0 lb/hour         | Stack Test as Required by Operation and Maintenance Manual |

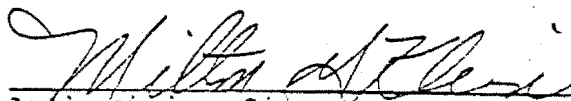
## Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedures established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this permit.

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Number 6, 7, and 8 roller mills with  
emissions controlled by a cyclone followed by a baghouse

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements   |
|-------------------|----------------------------|-------------------------|--|
| Baghouse          | Particulate                | 14.8 lb/hour            | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual |

## Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action shall be implemented in accordance with procedures established in the Operation and Maintenance Manual. However, exceeding 5% opacity shall not be deemed a violation of this permit.

Validation (if different from Facility Permit)

Issured \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; 200 phosphoric acid plant with emissions  
controlled by a scrubber.

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements   |
|-------------------|----------------------------|-------------------------|--|
| Scrubber          | Particulate                | 8.8 lb/hour             | Stack Test as<br>Required by<br>Operation and<br>Maintenance<br>Manual |

## Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; 300 phosphoric acid plant with emissions  
controlled by a packed bed scrubber, and a venturi scrubber in parallel.

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## Restrictions:

| Emission Point      | Emission Characteristic | Emission Limitations          | Monitoring Requirements  |
|---------------------|-------------------------|-------------------------------|--|
| Packed bed Scrubber | Particulate             | 10.8 lb/hour from both Stacks | Simultaneous Stack Tests as Required by Operation and Maintenance Manual |
| Venturi Scrubber    | Particulate             |                               |  |

## Conditions:

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located near at Pocatello, Idaho

is hereby granted permission to operate the following air pollution source or control equipment; Ammonium sulfate drying and cooling with emissions controlled by a cyclone for the dryer and a cyclone for the cooler.

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations         | Monitoring Requirements  |
|----------------|-------------------------|------------------------------|--|
| Dryer Cyclone  | Particulate             | 3.7 lb/hour from both stacks | Simultaneous Stack Tests as Required by Operation and Maintenance Manual |
| Cooler Cyclone | Particulate             |                              |  |

Conditions:

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration \_\_\_\_\_

  
Authorizing Signature

J. R. Simplot Company located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; 100 mono ammonium phosphate plant;  
reactor/granulator emissions are controlled by a venturi scrubber (#1),  
followed by a cyclonic scrubber (#1), which is followed with a fluoride  
scrubber; the dryer emissions are controlled by a venturi scrubber (#2),  
followed by a cyclonic scrubber (#2); dust emissions from sizing screens,  
polishing screens and product handling are controlled by a baghouse.

---

Restrictions:

| Emission Point       | Emission Characteristic | Emission Limitations            | Monitoring Requirements   |
|----------------------|-------------------------|---------------------------------|---|
| Fluoride Scrubber    | Particulate             | 25.8 lb/hour<br>from all stacks | Simultaneous<br>Stack Tests as<br>Required by<br>Operation and<br>Maintenance<br>Manual |
| #2 Cyclonic Scrubber | Particulate             |                                 |   |
| Baghouse             | Particulate             |                                 |   |

Conditions:

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located ~~near~~ at Pocatello, Idaho is hereby granted permission to operate the following air pollution source or control equipment; Diammonium phosphate reactor, granulator, dryer and cooler. Reactor and granulator emissions are controlled by a venturi scrubber followed by a cyclonic scrubber. Dryer emissions are controlled by a cyclone then a venturi scrubber, next a cyclonic scrubber that is used in common with the reactor and granulator, then a mist eliminator. Cooler emissions are controlled by a cyclone, then a baghouse.

## Restrictions:

| Emission Point                       | Emission Characteristic | Emission Limitations          | Monitoring Requirements  |
|--------------------------------------|-------------------------|-------------------------------|--|
| Dryer, Reactor & Granulator Scrubber | Particulate             | 85.4 lb/hour from both Stacks | Simultaneous Stack Tests as Required by Operation and Maintenance Manual |
| Cooler Baghouse                      | Particulate             |                               |  |

## Conditions:

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature



J. R. Simplot Company located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Triple super phosphate plant with dryer  
emissions controlled by a cyclone followed by a cyclonic scrubber,  
then a centrifield scrubber. Dust emissions from material handling  
equipment are controlled by a baghouse.

## Restrictions:

| Emission Point       | Emission Characteristic | Emission Limitations          | Monitoring Requirements  |
|----------------------|-------------------------|-------------------------------|--|
| Centrifield Scrubber | Particulate             | 23.8 lb/hour from both stacks | Simultaneous Stack Tests as Required by Operation and Maintenance Manual |
| Baghouse             | Particulate             |                               |  |

## Conditions:

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Nitrate solutions plant  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements |
|-------------------|----------------------------|-------------------------|----------------------------|
|-------------------|----------------------------|-------------------------|----------------------------|


General provisions of the Rules and Regulations for the Control of  
Air Pollution in Idaho.

## Conditions:

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Nitric Acid Plant

Restrictions:

| Emission Point | Emission Characteristic             | Emission Limitations                   | Monitoring Requirements  |
|----------------|-------------------------------------|--|--|
| Stack          | NOx (expressed as NO <sub>2</sub> ) | 3 pounds per ton of 100% acid produced | Continuous, Stack Test as Required by Operation and Maintenance Manual |
|                | Opacity                             | 10%                                    |  |

Conditions:

This source is subject to new source performance standards.

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located near at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Ammonia Plant

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## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements |
|-------------------|----------------------------|-------------------------|----------------------------|
|-------------------|----------------------------|-------------------------|----------------------------|

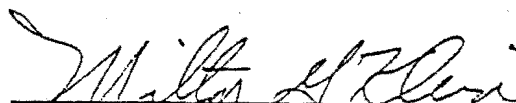
General provisions of the Rules and Regulations for the Control of  
Air Pollution in Idaho.

## Conditions:

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

J. R. Simplot Company located ~~near~~ at Pocatello, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment; Keeler Boiler fired by natural gas with  
distillate fuel oil as stand by.

## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements |
|-------------------|----------------------------|-------------------------|----------------------------|
|-------------------|----------------------------|-------------------------|----------------------------|

Sulfur limitations for distillate fuel grades as defined in Section  
1-1354 of the Rules and Regulations for the Control of Air Pollution  
in Idaho.

## Conditions:

Validation (if different from Facility Permit)

Effective \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Authorizing Signature

## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.

D Except for data determined to be confidential under Section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.

E Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state or local law or regulation, except as specifically provided herein.

F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.

G Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit

such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.

H The Director may require the permittee to develop a list of Operation and Maintenance Procedures which must be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.

I The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to the scheduled date of any emissions test required pursuant to this permit. The permittee shall notify the appropriate regional office of any change in the testing schedule and shall provide at least one (1) days notice prior to conducting any rescheduled test. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.



## PART III FUGITIVE EMISSION CONTROL

The permittee shall reduce fugitive emissions from the following sources in accordance with the schedules below:

A. Ammonium Phosphate Plant

Permittee shall install equipment to collect and control fugitive emissions from materials handling equipment on or before July 1, 1980.

B. Calcining Building

Permittee shall install equipment to collect and control fugitive emissions from materials handling equipment on or before February 1, 1981.

C. Mill Building

Permittee shall install equipment to collect and control fugitive emissions from materials handling equipment in accordance with the following compliance schedule:

- 1) By March 1, 1981, submit a final emission control plan, including equipment design specifications and drawings for approval by the Department.
- 2) By June 1, 1981, let contracts or issue purchase orders for equipment necessary to control fugitive emissions in accordance with plans approved by the Department.
- 3) By June 1, 1982, initiate construction of control equipment.

- 4) By September 1, 1982, complete construction of control equipment.
- 5) By October 1, 1982, demonstrate compliance with the final control plan approved by the Department.

## STATE OF IDAHO

## DEPARTMENT OF HEALTH AND WELFARE

## DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

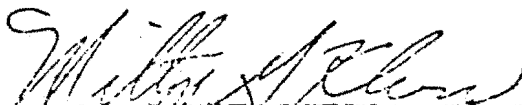
Idaho Portland Cement Company  
Permittee, including affiliates, if any

Inkom, Idaho 83245  
Located at

\_\_\_\_\_

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued 7/18/79Expiration 7/17/84

## PART I

SOURCE PERMIT NO. 13-0080-0004-01Page 2 of 18Idaho Portland Cement Company located at Inkom, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Number 1 Allis Chalmers coal/gas fired  
kiln controlled by a multiclone system followed by a Cottrell  
electrostatic precipitator.

## Restrictions:

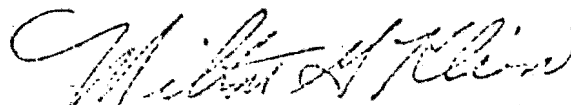
| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations             | Monitoring<br>Requirements   |
|-------------------|----------------------------|-------------------------------------|--|
| ESP Exhaust Stack | Particulate                | See Part III                        | Stack Test as<br>required by<br>Operation and<br>Maintenance Manua |
| ESP Exhaust Stack | SO <sub>2</sub>            | Sulfur content<br>of coal $\leq$ 1% |  |

## Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



## PART I

SOURCE PERMIT NO. 13-0080-0004-02Page 3 of 18

Idaho Portland Cement Company located at Inkom, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Number 2 F.L. Smith coal/gas fired  
kiln controlled by a multiclone system followed by a Cottrell electros-  
precipitator.

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## Restrictions:

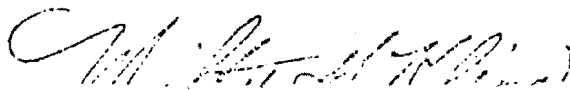
| Emission Point    | Emission Characteristic | Emission Limitations             | Monitoring Requirements                                     |
|-------------------|-------------------------|----------------------------------|---|
| ESP Exhaust Stack | Particulate             | See Part III                     | Stack Test as required by Operation and Maintenance Manual. |
| ESP Exhaust Stack | SO <sub>2</sub>         | Sulfur content of coal $\leq$ 1% |   |

## Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0080-0004-03

Page 4 of 18

Idaho Portland Cement Company located at Inkom, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: No. 1 Fuller cooler controlled by  
a baghouse.

Restrictions:

| Emission Point   | Emission Characteristic | Emission Limitations                      | Monitoring Requirements                                    |
|------------------|-------------------------|---|--|
| Baghouse Exhaust | Particulate             | 0.10 Pounds per ton of material processed | Stack Test as required by Operation and Maintenance Manual |

Conditions:

When a visible emission from the baghouse exceeds 5% opacity corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*M. L. Klein*

## PART I

SOURCE PERMIT NO. 13-0080-0004-04Page 5 of 18Idaho Portland Cement Company located at Inkom, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Clinker elevator and silo storage  
controlled by two baghouses.

## Restrictions:

| Emission Point            | Emission Characteristic | Emission Limitations                      | Monitoring Requirements                                    |
|---------------------------|-------------------------|---|--|
| Elevator Baghouse Exhaust | Particulate             | 0.10 Pounds per ton of material processed | Stack Test as required by Operation and Maintenance Manual |
| Silo Baghouse Exhaust     | Particulate             | 0.10 Pounds per ton of material processed |  |

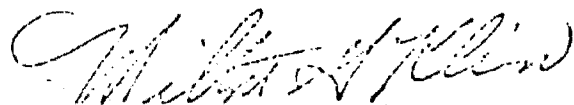
## Conditions:

When a visible emission from the baghouse exceeds 5% opacity corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



## PART I

SOURCE PERMIT NO. 13-0080-0004-06Page 6 of 18Idaho Portland Cement Company located at Inkom, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: #1 and #2 mill controlled by a baghouse.

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## Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations                            | Monitoring<br>Requirements  |
|-------------------|----------------------------|--|---|
| Baghouse Exhaust  | Particulate                | 0.10 Pounds<br>per ton of<br>material<br>processed | Stack Test as<br>required by<br>Operation and<br>Maintenance Manual |

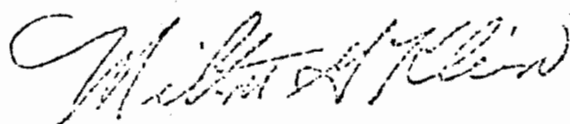
## Conditions:

When a visible emission from the baghouse exceeds 5% opacity,  
corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_





PART I

SOURCE PERMIT NO. 13-0080-0004-06

Page 7 of 18

Idaho Portland Cement Company located at Inkom, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: #3 Mill controlled by a baghouse

Restrictions:

| Emission Point   | Emission Characteristic | Emission Limitations                      | Monitoring Requirements                                   |
|------------------|-------------------------|---|---|
| Baghouse Exhaust | Particulate             | 0.10 Pounds per ton of material processed | Stack Test as required by Operatic and Maintenance Manual |

Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton A. Klein*

PART I

SOURCE PERMIT NO. 13-0020-0004-07

Page 8 of 18

Idaho Portland Cement Company located at Inkom, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Cement transfer to bulk loadout storage  
controlled by a baghouse

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations                            | Monitoring<br>Requirements  |
|-------------------|----------------------------|--|---|
| Baghouse Exhaust  | Particulate                | 0.10 Pounds<br>per ton of<br>material<br>processed | Stack Test as<br>required by<br>Operation and<br>Maintenance Manual |

Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*W. H. H. H. H.*

SOURCE PERMIT NO. 13-0080-0004-02

Page 9 of 18

Idaho Portland Cement Company located at Inkom, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Bulk loading area baghouse

## Restrictions:

| Emission Point   | Emission Characteristic | Emission Limitations                      | Monitoring Requirements                                     |
|------------------|-------------------------|---|---|
| Baghouse Exhaust | Particulate             | 0.10 Pounds per ton of material processed | Stack Test, as required by Operation and Maintenance Manual |

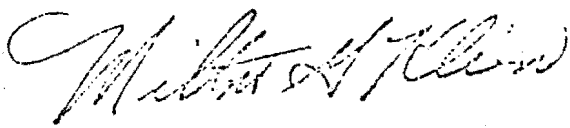
## Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
Authorized Signature

PART I

SOURCE PERMIT NO. 13-0020-0004-09

Page 10 of 18

Idaho Portland Cement Company located at Inkom, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Cement storage silos controlled by a  
baghouse

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations                            | Monitoring<br>Requirements                                     |
|-------------------|----------------------------|--|--|
| Baghouse Exhaust  | Particulate                | 0.10 Pounds<br>per ton of<br>material<br>processed | Stack Test as requi:<br>by Operation and<br>Maintenance Manual |

Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective  
action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*M. J. Kline*

PART 1

SOURCE PERMIT NO. 13-0030-0004-10

Page 11 of 13

Idaho Portland Cement Company located at Inkom, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: packhouse and packaging operation  
controlled by a baghouse

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations                            | Monitoring<br>Requirements   |
|-------------------|----------------------------|--|--|
| Baghouse Exhaust  | Particulate                | 0.10 Pounds<br>per ton of<br>material<br>processed | Stack Test as re-<br>quired by Operator<br>and Maintenance<br>Manual |

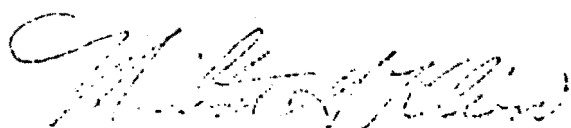
Conditions:

When visible emissions exceed 5% opacity from the baghouse,  
corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0080-0004-11

Page 12 of 18

Idaho Portland Cement Company located at Inkom, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Raw Material crushing, screening and  
transfer to storage silos.

Restrictions:

| Emission<br>Point                 | Emission<br>Characteristic | Emission<br>Limitations   | Monitoring<br>Requirements |
|-----------------------------------|----------------------------|---|----------------------------|
| Crusher, Screens<br>and Conveyors | Particulate                | Compliance with sections 1-1251<br>and 1-1252 of the <u>Rules and</u><br><u>Regulations for the Control of</u><br><u>Air Pollution in Idaho</u> |                            |

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*M. Harold Kline*

PART I

SOURCE PERMIT NO. 13-0080-0004-12

Page 13 of 18

Idaho Portland Cement Company located at Inkom, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Railcar clinker receiving area (bottom  
dump unloading hopper and conveying).

Restrictions:

| Emission<br>Point   | Emission<br>Characteristic | Emission<br>Limitations   | Monitoring<br>Requirements |
|---------------------|----------------------------|---|----------------------------|
| Dump Area Conveying | Particulate                | Compliance with section 1-1251<br>and 1-1252 of the <u>Rules and</u><br><u>Regulations for the Control of</u><br><u>Air Pollution In Idaho.</u> |                            |

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*M. R. [Signature]*

PART I

SOURCE PERMIT NO. 13-0080-0004-13

Page 14 of 18

Idaho Portland Cement Co. located at Inkom, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Coal receiving and storage area  
(bottom dump coal hopper, transfer and storage).

Restrictions:

| Emission<br>Point                      | Emission<br>Characteristic | Emission<br>Limitations  | Monitoring<br>Requirements |
|--|----------------------------|--|----------------------------|
| Dump area,<br>Conveying and<br>Storage | Particulate                | Compliance with sections 1-1251 and<br>1-1252 of the Rules and Regulations<br>for the Control of Air Pollution in<br><u>Idaho.</u> |                            |

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*M. J. Klein*



## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant identified in this permit in excess of that authorized, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided by breakdowns as defined in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.

D Except for data determined to be confidential under section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.

E Nothing in this permit shall be construed to preclude institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable federal, state, or local law or regulation.

F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.

- G The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- H Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information required by the Director to assess the air pollution impact of the equipment for which the permit is granted. Failure to submit such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.
- I The Department may require the permittee to develop an Operational and Maintenance Manual which must be approved by the Director. Such Manual shall become a part of this permit by reference, and failure to comply with the terms of the Manual shall constitute a violation of this permit.
- J The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to conducting any compliance tests required pursuant to this permit. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

PART III

EMISSION LIMITATIONS

FACILITY PERMIT NO. 13-0080-0004-00

Page 18 of 18

1. Allowable Mass Emission Rate (Effective on Issuance of Permit Unless Otherwise Noted)

A person shall not discharge into the atmosphere from any source operating prior to February 1, 1979 particulate matter in excess of the amount shown by the following equations:

If PW is less than 17,000 pounds per hour,

$$E = .045 (PW)^{0.60}$$

If PW is equal to or greater than 17,000 pounds per hour,

$$E = 1.12 (PW)^{0.27}$$

Where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

2. Allowable Grain Loading Rate (Effective January 1, 1981)

A person shall not discharge into the atmosphere from any source, particulate matter in excess of the concentration shown by the following equation:

$$C = 3.0 (V)^{-0.35}$$

Where C is the allowable concentration in grains per standard dry cubic foot of effluent gas and V is the volume of the effluent gas in standard dry cubic feet per minute.

K.1

Page 1 of 8

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

J. R. Simplot Company  
Permittee, including affiliates, if any

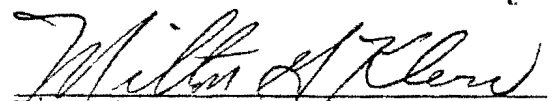
\_\_\_\_\_  
Located at

Conda, Idaho 83230

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued 7/18/79Expiration 7/17/84

  
\_\_\_\_\_  
Director

PART I

SOURCE PERMIT NO. 13-0420-0021-01

Page 2 of 8

J. R. Simplot Company located at Conda, Idaho

is hereby granted permission to operate the following air pollution source or control equipment: Phosphate ore dryer, emissions controlled by a cyclone followed by 4 higher efficiency cyclones in parallel.

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations | Monitoring Requirements                                  |
|----------------|-------------------------|----------------------|--|
| Dryer Exhaust  | Particulate             | See Part IV          | Stack Test as Required by Operation and Maintenance Manu |

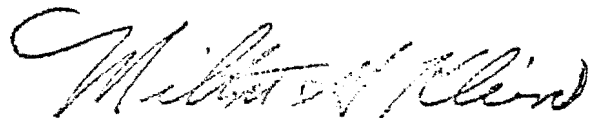
Conditions:

Total process weight is that amount, in pounds per hour, being fed to the dryer. Total actual emissions are calculated by adding the emissions from the above source(s). This condition becomes effective on November 30, 1981, see Part III for compliance schedule.

Validation (if different from Facility Permit)

Effective 11/30/81

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0021-02

Page 3 of 8

J. R. Simplot Company located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Calciner with emissions controlled by  
a scrubber.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Scrubber          | Particulate                | See Part III            | Stack Test as<br>Required by<br>Operation and<br>Maintenance Manu |

Conditions:

Total process weight is that amount, in pounds per hour, being fed  
to the calciner. Total actual emissions are calculated by adding  
the emissions from the above source (s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant identified in this permit in excess of that authorized, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided by breakdowns as defined in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and



- 2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.
- D Except for data determined to be confidential under Section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.
- E Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state or local law or regulation, except as specifically provided herein.
- F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit

such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.

- H The Director may require the permittee to develop a list of Operation and Maintenance Procedures which must be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to the scheduled date of any emissions test required pursuant to this permit. The permittee shall notify the appropriate regional office of any change in the testing schedule and shall provide at least one (1) days notice prior to conducting any rescheduled test. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

PART III

SOURCE PERMIT NO. 13-0420-002

Page 7 of 8

Compliance Schedule for Conda Calciner operated by J. R. Simplot Company.

- |  |                   |
|--|-------------------|
| 1. Complete Feasibility Study                    | July 31, 1980     |
| 2. Complete Preliminary Engineering              | October 31, 1980  |
| 3. Engineering Completed                         | March 31, 1981    |
| 4. Order Equipment                               | April 30, 1981    |
| 5. Begin Construction                            | June 30, 1981     |
| 6. Complete Construction and<br>Prove Compliance | November 30, 1981 |

## PART III EMISSION LIMITATIONS

1. Allowable Mass Emission Rate (Effective on Issuance of Permit Unless Otherwise Noted)

A person shall not discharge into the atmosphere from any source operating prior to February 1, 1979 particulate matter in excess of the amount shown by the following equations:

If PW is less than 17,000 pounds per hour,

$$E = .045 (PW)^{0.60}$$

If PW is equal to or greater than 17,000 pounds per hour,

$$E = 1.12 (PW)^{0.27}$$

Where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

## STATE OF IDAHO

## DEPARTMENT OF HEALTH AND WELFARE

## DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

Beker Industries  
Permittee, including affiliates, if any

Post Office Box 37  
Located at

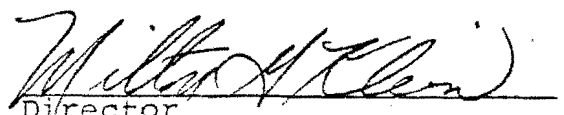
Conda, Idaho 83230

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued 7/18/79

Expiration 7/17/84

  
Director

PART I

SOURCE PERMIT NO. 13-0420-0003-01

Page 2 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Beneficiation with a vertical dryer  
with emissions controlled by a cyclone followed by a cyclonic spray  
scrubber.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Scrubber          | Particulate                | See Part III            | Stack Test as<br>Required By<br>Operation and<br>Maintenance Manu |

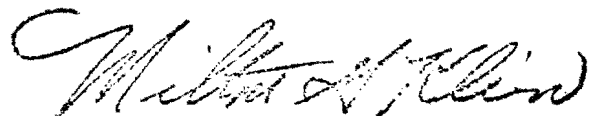
Conditions:

Total process weight is that amount, in pounds per hour, being fed  
to the dryer. Total actual emissions are calculated by adding the  
emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0003-02

Page 3 of 19

Beker Industries located at Conda, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: North Calciner with emissions controlled  
by 3 cyclones followed by a venturi scrubber.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Scrubber          | Particulate                | See Part III            | Stack Test as<br>Required by<br>Operation and<br>Maintenance Manu |

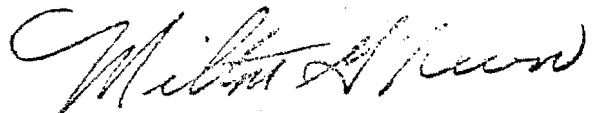
Conditions:

Total process weight is that amount, in pounds per hour, being fed to the calciner. Total actual emissions are calculated by adding the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0003-03

Page 4 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: #3 calciner with emission controlled  
by 3 cyclones followed by a venturi scrubber.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Scrubber          | Particulate                | See Part III            | Stack Test as<br>Required by<br>Operation and<br>Maintenance Manu |

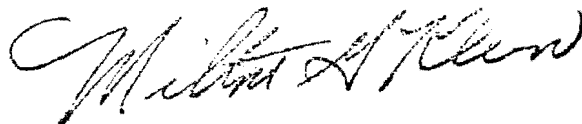
Conditions:

Total process weight is that amount, in pounds per hour, being fed to  
to calciner. Total actual emissions are calculated by adding the  
emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_





PART I

SOURCE PERMIT NO. 13-0420-0003-04

Page 5 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution source or control equipment: South Calciner with emissions controlled by 3 cyclones followed by a venturi scrubber.

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations | Monitoring Requirements                                  |
|----------------|-------------------------|----------------------|--|
| Scrubber       | Particulates            | See Part III         | Stack Test as Required by Operation and Maintenance Manu |

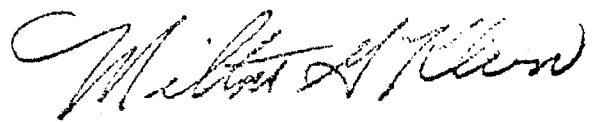
Conditions:

Total process weight is that amount, in pounds per hour, being fed to the calciner. Total actual emissions are calculated by adding the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0003-05

Page 6 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: North storage bin emissions controlled  
by a baghouse.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations   | Monitoring<br>Requirements  |
|-------------------|----------------------------|---|---|
| Baghouse          | Particulate                | 0.10 pounds<br>per ton of<br>material fed<br>to the stor-<br>age bin. | Stack Test as<br>Required by<br>Operation and<br>Maintenance Manu |

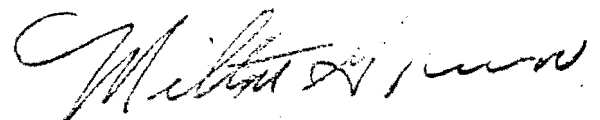
Conditions:

When visible emissions from the baghouse exceed 5% opacity, corrective  
action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0003-06

Page 7 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: North ball mill with emissions controll  
by a baghouse.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations   | Monitoring<br>Requirements  |
|-------------------|----------------------------|---|---|
| Baghouse          | Particulate                | 0.10 Pounds<br>per ton of<br>material fed<br>to the ball<br>mill. | Stack Test as<br>Required by<br>Operation and<br>Maintenance Manu |

Conditions:

When visible emissions from the baghouse exceed 5% opacity,  
corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton A. Klein*

PART I

SOURCE PERMIT NO. 13-0420-0003-07

Page 8 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: South storage area emissions occurring  
during storage of ore materials are controlled by a baghouse.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Baghouse          | Particulates               | 0.10 PPT <sup>1</sup>   | Stack Test as<br>Required by<br>Operation and<br>Maintenance Manu |

Conditions:

When visible emissions from the baghouse exceed 5% opacity,  
corrective action is to be implemented.

PPT<sup>1</sup> - Pounds per ton of material processed.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton A. Klein*

PART I

SOURCE PERMIT NO. 13-0420-0003-08

Page 9 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Grinding operation (south ball mill)  
input feed from emission point 07; emissions controlled by two  
baghouses.

Restrictions:

|    | Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements                                       |
|----|-------------------|----------------------------|-------------------------|--|
| #1 | Baghouse          | Particulate                | 0.10 PPT <sup>1</sup>   | Stack Test as<br>Required by<br>Operation and<br>Maintenance Mar |
| #2 | Baghouse          | Particulate                | 0.10 PPT <sup>1</sup>   |  |

Conditions:

When visible emissions from the baghouse exceed 5% opacity,  
corrective action is to be implemented.

PPT<sup>1</sup> - Pounds per ton of material processed.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton A. Klein*

PART I

SOURCE PERMIT NO. 13-0420-0003-09

Page 10 of 19

Beker Industries located at Conda, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Production of phosphoric acid in-  
cluding digester and filtration systems, with emissions controlled  
by a cyclonic spray scrubber.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements                                       |
|-------------------|----------------------------|-------------------------|--|
| Scrubber          | Particulate                | See Part III            | Stack Test as<br>Required by<br>Operation and<br>Maintenance Man |

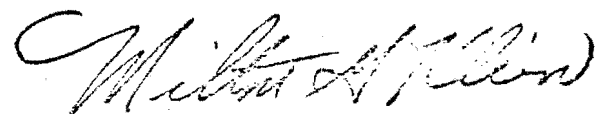
Conditions:

Total process weight is that amount, in pounds per hour, being fed to the digester. Total actual emissions are calculated by adding the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0003-10

Page 11 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Diammonium phosphate production:

Reactor, granulator and cooler are controlled by an ammonia scrubber  
followed by a cyclonic scrubber. All scrubbers exhaust through a  
common stack.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements                                       |
|-------------------|----------------------------|-------------------------|--|
| Common Stack      | Particulate                | See Part III            | Stack Test as<br>Required by<br>Operation and<br>Maintenance Man |


Conditions:

Total process weight is that amount, in pounds per hour, being fed to the reactor. Total actual emissions are calculated by adding the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0003-11

Page 12 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: West Sulfuric Acid Plant.

Restrictions:

| Emission Point | Emission Characteristic             | Emission Limitations  | Monitoring Requirements  |
|----------------|-------------------------------------|---|--|
| Stack          | SO <sub>2</sub>                     | 27.0 PPT <sup>1</sup> or 1125 pounds of SO <sub>2</sub> per hour. | Continuous - Stack Test as Required by Operation and Maintenance Man |
|                | H <sub>2</sub> SO <sub>4</sub> Mist | 0.50 Pounds per ton of 100% sulfuric acid produced.               | Stack Test as Required by Operation and Maintenance Man              |

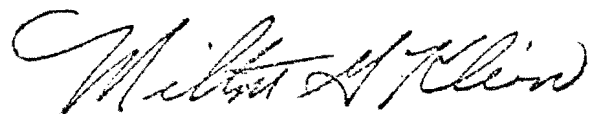
Conditions:

PPT<sup>1</sup> - Pounds per ton of 100% equivalent acid produced.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_





PART I

SOURCE PERMIT NO. 13-0420-0003-12

Page 13 of 19

Beker Industries located at Conda, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: East sulfuric acid plant.

Restrictions:

| Emission Point | Emission Characteristic             | Emission Limitations   | Monitoring Requirements   |
|----------------|-------------------------------------|--|---|
| Stack          | SO <sub>2</sub>                     | 4.0 PPT <sup>1</sup> or not to exceed 504 pounds of SO <sub>2</sub> per 3 hour period. | Continuous - Stack Test as Required by Operation and Maintenance Manual |
|                | H <sub>2</sub> SO <sub>4</sub> Mist | 0.15 Pounds per ton of 100% sulfuric acid produced.                                    | Stack Test as Required by Operation and Maintenance Manual              |

Conditions:

- 1) This source is required to meet new source performance standards.
- 2) Visible emissions are not to exceed 10% opacity.

PPT<sup>1</sup> - Pounds per ton of equivalent 100% acid produced.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton A. Klein*

PART I

SOURCE PERMIT NO. 13-0420-0003-13

Page 14 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Ammonia Plant

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements |
|-------------------|----------------------------|-------------------------|----------------------------|
|-------------------|----------------------------|-------------------------|----------------------------|

General Provisions of the Rules and Regulations for the Control  
of Air Pollution in Idaho

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton L. Klein*

PART I

SOURCE PERMIT NO. 13-0420-0003-14

Page 15 of 19

Beker Industries located at Conda, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Beneficiation building with baghouse.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations                             | Monitoring<br>Requirements                                       |
|-------------------|----------------------------|---|--|
| Baghouse          | Particulate                | 0.10 Pounds<br>per ton of<br>material<br>processed. | Stack Test as<br>Required by<br>Operation and<br>Maintenance Mar |

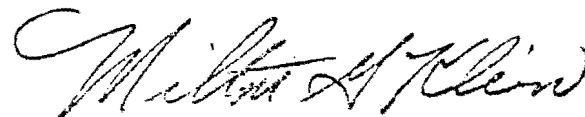
Conditions:

When visible emissions from the baghouse exceed 5% opacity,  
corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

  
\_\_\_\_\_  
Supervising Engineer

## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

- 2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.
- D Except for data determined to be confidential under Section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.
- E Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state or local law or regulation, except as specifically provided herein.
- F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit

such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.

- H The Director may require the permittee to develop a list of Operation and Maintenance Procedures which must be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to the scheduled date of any emissions test required pursuant to this permit. The permittee shall notify the appropriate regional office of any change in the testing schedule and shall provide at least one (1) days notice prior to conducting any rescheduled test. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

## PART III EMISSION LIMITATIONS

1. Allowable Mass Emission Rate (Effective on Issuance of Permit Unless Otherwise Noted)

A person shall not discharge into the atmosphere from any source operating prior to February 1, 1979 particulate matter in excess of the amount shown by the following equations:

If PW is less than 17,000 pounds per hour,

$$E = .045 (PW)^{0.60}$$

If PW is equal to or greater than 17,000 pounds per hour,

$$E = 1.12 (PW)^{0.27}$$

Where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

## STATE OF IDAHO

## DEPARTMENT OF HEALTH AND WELFARE

## DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

Monsanto Company  
Permittee, including affiliates, if any

Post Office Box 816  
Located at


Soda Springs, Idaho 83276

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued 7/18/79

Expiration 7/17/84

  
Director



PART I

SOURCE PERMIT NO. 13-0420-0001-01

Page 2 of 15

Monsanto Corporation located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Natural gas fired boiler with distillat  
fuel oil for standby.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements |
|-------------------|----------------------------|-------------------------|----------------------------|
|-------------------|----------------------------|-------------------------|----------------------------|

Sulfur limitations for distillate fuel grades as defined in  
section 1-1354 of the Rules and Regulations for the Control of  
Air Pollution in Idaho

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0001-02

Page 3 of 15

Monsanto Corporation located at Soda Springs, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Phosphate ore nodulizing kiln and  
cooler; both points are controlled by separate spray towers.

Restrictions:

| Emission<br>Point              | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements   |
|--------------------------------|----------------------------|-------------------------|--|
| Nodulizing Kiln<br>Spray Tower | Particulate                | See Part III            | Stack Tests as<br>Required by<br>Operation and<br>Maintenance Manu |
| Cooler Spray<br>Tower          | Particulate                |                         |  |

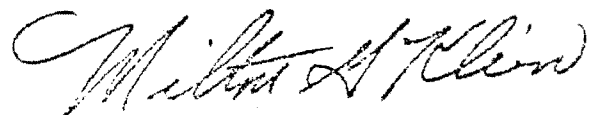
Conditions:

Total process weight is that amount, in pounds per hour, being fed  
to the nodulizing kiln. Total actual emissions are calculated by  
adding the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0001-03

Page 4 of 15

Monsanto Corporation located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Crushing and screening with emissions  
controlled by a venturi scrubber.

Restrictions:

| Emission<br>Point   | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|---------------------|----------------------------|-------------------------|---|
| Venturi<br>Scrubber | Particulate                | See Part III            | Stack Test as<br>Required by<br>Operation and<br>Maintenance Manu |

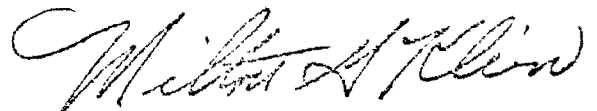
Conditions:

Total process weight is that amount in pounds per hour, being fed  
to the crushing and screening operation. Total actual emissions are  
calculated by adding the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0001-04

Page 5 of 15

Monsanto Corporation located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Coke and quartzite handling and storage  
with emissions controlled by 4 baghouses

Restrictions:

\*PPT means pounds per ton of material processed in this operation.

| Emission Point              | Emission Characteristic | Emission Limitations | Monitoring Requirements                               |
|-----------------------------|-------------------------|----------------------|---|
| Coke handling Baghouse      | Particulate             | 0.10 PPT*            | Stack test as required by Operatic & Maintenance Manu |
| Quartzite handling Baghouse | Particulate             | 0.10 PPT*            |   |
| Coke Bunker Baghouse        | Particulate             | 0.10 PPT*            |   |
| 105 Conveyor Baghouse       | Particulate             | 0.10 PPT*            |   |

Conditions:

When visible emissions from the baghouse exceed 5% opacity,  
Corrective action is to be implemented.

\*PPT - Pounds per ton of material input.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton A. Klein*

PART I

SOURCE PERMIT NO. 13-0420-0001-05

Page 6 of 15

Monsanta Corporation located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Coke dryer and quartz dryer with  
emissions controlled by a scrubber.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements   |
|-------------------|----------------------------|-------------------------|--|
| Scrubber          | Particulate                | Part III                | Stack Tests as<br>Required by<br>Operation and<br>Maintenance Manu |

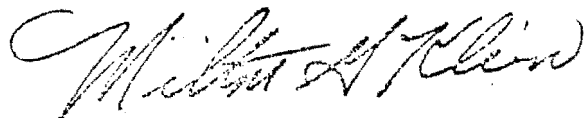
Conditions:

Total process weight is that amount, in pounds per hour, being fed to the dryer. Total actual emissions are calculated by adding the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0001-06

Page 7 of 15

Monsanto Corporation located at Soda Springs, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Proportioning of phosphate ore, coke and  
quartzite and stocking area over furnaces. Scale room transfer points  
are controlled by a scrubber. Stocking area to be controlled in  
accordance with the schedule in Part IV.

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\_\_\_\_\_

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Restrictions:

| Emission<br>Point                        | Emission<br>Characteristic | Emission<br>Limitations                             | Monitoring<br>Requirements  |
|--|----------------------------|---|---|
| Scale Room<br>Transfer Point<br>Scrubber | Particulate                | 0.10 Pounds<br>per ton of<br>material<br>processed. | Stack Test as<br>Required by<br>Operation and<br>Maintenance Menu |

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



## PART I

SOURCE PERMIT NO. 13-0420-0001-07Page 8 of 15

Monsanto Corporation located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: #7 electric arc furnace with emissions  
from the furnace tapping operations controlled by a venturi scrubber.

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## Restrictions:

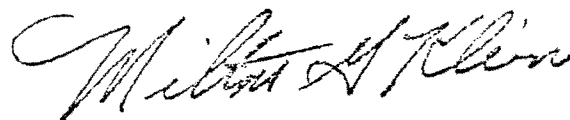
| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations                             | Monitoring<br>Requirements  |
|-------------------|----------------------------|---|---|
| Scrubber          | Particulate                | 0.20 Pounds<br>per ton of<br>material<br>processed. | Stack Test as<br>Required by<br>Operation and<br>Maintenance Manual |

## Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

\_\_\_\_\_  
Authorizing Signature

PART I

SOURCE PERMIT NO. 13-0420-0001-08

Page 9 of 15

Monsanto Corporation located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: #8 electric arc furnace with emissions  
from the furnace tapping operations controlled by a venturi scrubber

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations                             | Monitoring<br>Requirements  |
|-------------------|----------------------------|---|---|
| Scrubber          | Particulate                | 0.20 Pounds<br>per ton of<br>material<br>processed. | Stack Test as<br>Required by<br>Operation and<br>Maintenance Manu |

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton A. Klein*



PART I

SOURCE PERMIT NO. 13-0420-0001-9

Page 10 of 15

Monsanto Corporation located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: #9 electric arc furnace with emissions  
from the furnace tapping operations controlled by a venturi scrub

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Restrictions:


| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations                             | Monitoring<br>Requirements                                       |
|-------------------|----------------------------|---|--|
| Scrubber          | Particulate                | 0.20 Pounds<br>per ton of<br>material<br>processed. | Stack Test as<br>Required by<br>Operation and<br>Maintenance Man |

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



## PART II GENERAL PROVISIONS

- A. All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B. The permittee shall at all times (except as provided in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C. The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

- 2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.
- D Except for data determined to be confidential under Section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.
- E Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state or local law or regulation, except as specifically provided herein.
- F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit

such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.

- H The Director may require the permittee to develop a list of Operation and Maintenance Procedures which must be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to the scheduled date of any emissions test required pursuant to this permit. The permittee shall notify the appropriate regional office of any change in the testing schedule and shall provide at least one (1) days notice prior to conducting any rescheduled test. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

## PART III EMISSION LIMITATIONS

1. Allowable Mass Emission Rate (Effective on Issuance of Permit Unless Otherwise Noted)

A person shall not discharge into the atmosphere from any source operating prior to February 1, 1979 particulate matter in excess of the amount shown by the following equations:

If PW is less than 17,000 pounds per hour,

$$E = .045 (PW)^{0.60}$$

If PW is equal to or greater than 17,000 pounds per hour,

$$E = 1.12 (PW)^{0.27}$$

Where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.

## PART IV.

Page 15 of 15

| <u>Equipment</u>   | <u>Engineering &amp; Development</u> | <u>Begin Construction</u> | <u>Complete Construction</u> | <u>Shakedown Period</u>            | <u>In Compliance</u> |
|--|--------------------------------------|---------------------------|------------------------------|------------------------------------|----------------------|
| Module Fines From Burden Screens<br>Install Dust Controls  | Jan. 15, 1978<br>to Jan. 15, 1979    | Feb. 15, 1979             | May 15, 1979                 | May 15, 1979 to<br>June 30, 1979   | June 30, 1979        |
| Precipitator Dust Disposal<br>Install such equipment or institute such operational measures as necessary to control emissions from phosphorus burning of precipitator dust at disposal site. | Jan. 31, 1978<br>to Jan. 31, 1981    | Oct. 30, 1980             | Oct. 31, 1981                | Oct. 31, 1981 to<br>Jan. 31, 1982  | Jan. 31, 1982        |
| Stocking System Area<br>Dust Control<br>Install Dust Controls  | Dec. 31, 1978 to<br>July 31, 1980    | March 31, 1980            | March 31, 1981               | March 31, 1981 to<br>June 30, 1981 | June 30, 1981        |
| Vent Risers<br>Install sprays in vent stacks to scrub emissions during emergency periods when furnaces must be vented.   | Jan. 1, 1978 to<br>Jan 1, 1979       | Jan. 25, 1978             | May 31, 1979                 | Feb. 1, 1978 to<br>June 30, 1979   | June 30, 1979        |
| Slag Handling<br>Alter slagging process to reduce fugitive emissions.  |                                      |                           |                              |                                    | 1982                 |

K.4

Page 1 of 12

STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT

Pursuant to the Provisions  
of Section 39-115 of the Idaho Code,  
and the Rules and Regulations for the Con-  
trol of Air Pollution in Idaho,

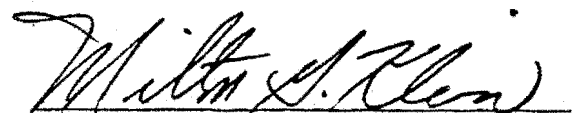
Kerr McGee  
Permittee, including affiliates, if any

Soda Springs, Idaho 83276  
Located at

is hereby granted permission to operate the Air  
Pollution Source(s) and Control Equipment specified  
herein provided the emission limitations, monitoring  
requirements and other conditions set forth in the  
Source Permit(s) are complied with.

Validation:

Issued 7/18/79Expiration 7/17/84

  
Director

PART I

SOURCE PERMIT NO. 13-0420-0002-01

Page 2 of 12

Kerr McGee located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Ferrophos crusher, dryer, impactor, and  
coarse storage area; all points are controlled by one baghouse

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations   | Monitoring<br>Requirements   |
|-------------------|----------------------------|---|--|
| Baghouse          | Particulate                | 0.10 Pounds<br>per ton of<br>raw material<br>input to the<br>process. | Stack test as<br>required by<br>Operation and<br>Maintenance<br>Manual |

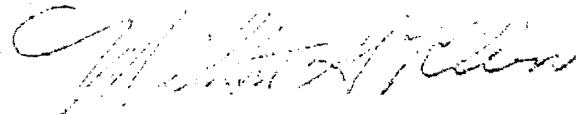
Conditions:

When visible emissions from the baghouse exceed 5% opacity corrective  
action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_





PART I

SOURCE PERMIT NO. 13-0420-0002-02

Page 3 of 12

Kerr McGee located at Soda Springs, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Ferrophos Ballmill with Baghouse

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations   | Monitoring<br>Requirements  |
|-------------------|----------------------------|---|---|
| Baghouse          | Particulate                | 0.10 Pounds<br>per ton of<br>raw material<br>input to the<br>process. | Stack Test as<br>required by<br>Operation and<br>Maintenance Manu |

Conditions:

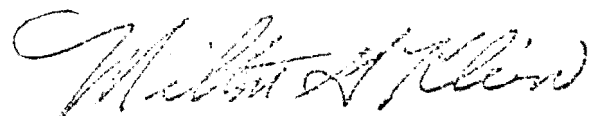
When visible emissions from the baghouse exceed 5% opacity corrective  
action is to be implemented.

PPT<sup>1</sup> - Pounds per ton of raw material input

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



\_\_\_\_\_  
Authorizing Signature

PART I

SOURCE PERMIT NO. 13-0420-0002-03

Page 4 of 12

Kerr McGee located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Limestone Ballmill with the emissions  
controlled by a scrubber

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Scrubber          | Particulate                | See Part III            | Stack Test as<br>required by<br>Operation and<br>Maintenance Manual |

Conditions:

Total process weight is that amount, in pounds per hour, being fed to the ballmill. Total actual emissions are calculated by adding the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton A. Klein*

PART I

SOURCE PERMIT NO. 13-0420-0002-04

Page 5 of 12

Kerr McGee located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Metering of salt/soda ash, limestone  
and ferrophos; #1 roaster, with quench and leach tanks. Emissions  
from the roaster are controlled by a cyclone followed by a venturi  
scrubber.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Scrubber          | Particulate                | See Part III            | Stack test as<br>required by<br>Operation and<br>Maintenance Manu |

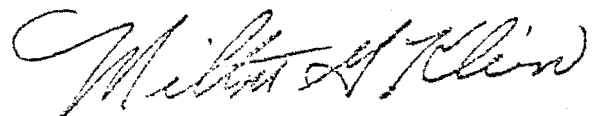
Conditions:

Total process weight is that amount, in pounds per hour, being fed  
to the roaster. Total actual emissions are calculated by adding  
the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0002-05

Page 6 of 12

Kerr McGee located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Metering of salt/soda ash, limestone  
and ferrophos; #2 roaster, with quench and leach tanks. Emissions  
from the roaster are controlled by a cyclone followed by a venturi  
scrubber.

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements  |
|-------------------|----------------------------|-------------------------|---|
| Scrubber          | Particulate                | See Part III            | Stack test as<br>required by<br>Operation and<br>Maintenance Manual |

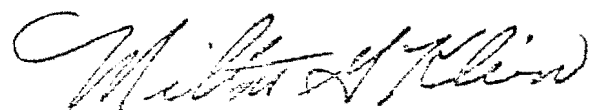
Conditions:

Total process weight is that amount, in pounds per hour, being fed to the roaster. Total actual emissions are calculated by adding the emissions from the above source(s).

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0002-06

Page 7 of 12

Kerr McGee located at Soda Springs, Idaho  
is hereby granted permission to operate the following air pollution  
source or control equipment: Wet processes for purification of  
vanadium

Restrictions:

| Emission<br>Point | Emission<br>Characteristic | Emission<br>Limitations | Monitoring<br>Requirements |
|-------------------|----------------------------|-------------------------|----------------------------|
|-------------------|----------------------------|-------------------------|----------------------------|

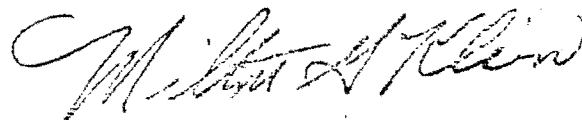
General provisions of the Rules and Regulations for the Control  
of Air Pollution in Idaho.

Conditions:

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_



PART I

SOURCE PERMIT NO. 13-0420-0002-07

Page 8 of 12

Kerr McGee located at Soda Springs, Idaho

is hereby granted permission to operate the following air pollution  
source or control equipment: Ammonium meta vanadate dryer, decomposer  
fusing operation and packaging; the decomposer emissions are con-  
trolled by a baghouse.

Restrictions:

| Emission Point | Emission Characteristic | Emission Limitations                            | Monitoring Requirements                                    |
|----------------|-------------------------|---|--|
| Baghouse       | Particulate             | See Part III                                    | Stack test as required by Operation and Maintenance Manual |
| Dryer          | NH <sup>3</sup>         | General provisions of the Rules and Regulations |  |

Conditions:

When visible emissions from the baghouse exceed 5% opacity corrective action is to be implemented.

Validation (if different from Facility Permit)

Issued \_\_\_\_\_

Expiration \_\_\_\_\_

*Milton A. Klein*

## PART II GENERAL PROVISIONS

- A All emissions authorized herein shall be consistent with the terms and conditions of this permit. The emission of any pollutant in excess of the limitations specified herein, or non-compliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules and Regulations for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code 39-101 et seq.
- B The permittee shall at all times (except as provided in the Rules and Regulations for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable laws for the control of air pollution.
- C The permittee shall allow the Director, and/or his authorized representative(s), upon the presentation of credentials:
- 1) To enter upon the permittee's premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and

- 2) at reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit, and to sample any emission of pollutants.
- D Except for data determined to be confidential under Section 39-111, Idaho Code, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate regional office of the Division of Environment.
- E Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state or local law or regulation, except as specifically provided herein.
- F In the event of any change in control or ownership of source(s) from which the authorized emissions emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Director.
- G Until the expiration date, this permit shall be renewable annually, provided the permittee submits any and all information necessary for the Director to determine the amount and type of air pollutants emitted from the equipment for which this permit is granted. Failure to submit



such information within sixty (60) days after receipt of the Director's request shall cause the permit to be voided.

- H The Director may require the permittee to develop a list of Operation and Maintenance Procedures which must be approved by the Department. Such list of procedures shall become a part of this permit by reference, and the permittee shall adhere to all of the operation and maintenance procedures contained therein.
- I The permittee shall provide the appropriate regional office a minimum of five (5) days notice prior to the scheduled date of any emissions test required pursuant to this permit. The permittee shall notify the appropriate regional office of any change in the testing schedule and shall provide at least one (1) days notice prior to conducting any rescheduled test. Any records or data generated as a result of such compliance tests shall be made available to the Department upon request.

## PART III EMISSION LIMITATIONS

1. Allowable Mass Emission Rate (Effective on Issuance of Permit Unless Otherwise Noted)

A person shall not discharge into the atmosphere from any source operating prior to February 1, 1979 particulate matter in excess of the amount shown by the following equations:

If PW is less than 17,000 pounds per hour,

$$E = .045 (PW)^{0.60}$$

If PW is equal to or greater than 17,000 pounds per hour,

$$E = 1.12 (PW)^{0.27}$$

Where E is the allowable emission from the entire source in pounds per hour, and PW is the process weight in pounds per hour.



**AIR QUALITY  
TIER I OPERATING PERMIT**

**State of Idaho  
Department of Environmental Quality**

**PERMIT NO.:** T1-9507-114-1  
**FACILITY ID NO.:** 077-00006  
**AQCR:** 061 **CLASS:** A  
**SIC:** 2874 **ZONE:** 12  
**UTM COORDINATE (km):** 375.6, 4751.6

**1. PERMITTEE**  
J.R. Simplot Co. - Don Siding Plant

**2. PROJECT**  
Tier I Operating Permit

**3. MAILING ADDRESS**  
P.O. Box 912

**CITY**  
Pocatello

**STATE  
ID**

**ZIP**  
83204

**4. FACILITY CONTACT**  
Leon C. Pruett

**TITLE**  
Environmental, Safety, and Health Manager

**TELEPHONE**  
(208) 234-5370

**5. RESPONSIBLE OFFICIAL**  
Delbert Butler

**TITLE**  
Plant Manager

**TELEPHONE**  
(208) 234-5410

**6. EXACT PLANT LOCATION**  
Section 18 R-34-E, T-6-S; 5½ Section 7 R-34-E T-6-S

**COUNTY**  
Power

**7. GENERAL NATURE OF BUSINESS and KINDS OF PRODUCTS**  
Manufacture of nitrogen, phosphate, and sulfate commercial products

**8. PERMIT AUTHORITY**

This Tier I operating permit is issued pursuant to Idaho Code §39-115 and the *Rules for the Control of Air Pollution in Idaho*, IDAPA 58.01.01.300 - 386. The permittee shall comply with the terms and conditions of this permit.

This permit incorporates all applicable terms and conditions of prior air quality permits issued by the Department of Environmental Quality (DEQ) for the permitted source, unless the permittee emits toxic pollutants subject to state-only requirements pursuant to IDAPA 58.01.01.210, and the permittee elects not to incorporate those terms and conditions into this operating permit.

The effective date of this permit is the date of signature by DEQ on the cover page

**C. STEPHEN ALLRED, DIRECTOR**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DATE ISSUED:** April 5, 2004

**DATE EXPIRES:** ~~XXXXXXXXXX~~

**AIR QUALITY TIER I OPERATING PERMIT NUMBER: T1-9507-114-1**

**Permittee:** J.R. Simplot Co. - Don Siding Plant  
**Location:** Pocatello, Idaho

**Project No.**  
T1-9507-114-1

**Date Issued:** April 5, 2004

**Date Expires:** ~~██████████~~

*The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.*

**Permit Limits / Standard Summary**

5.1 The PM and PM<sub>10</sub> emissions shall not exceed 1.33 lb/hr and 5.83 T/yr.  
[PTC No. 077-00006, 9/20/00]

5.2 The SO<sub>2</sub> emissions shall not exceed 0.11 lb/hr and 0.46 T/yr.  
[PTC No. 077-00006, 9/20/00]

5.3 The NO<sub>x</sub> emissions shall not exceed 7.00 lb/hr and 30.7 T/yr.  
[PTC No. 077-00006, 9/20/00]

5.4 The NO<sub>x</sub> emissions shall not exceed 0.04 lb/MMBtu.  
[40 CFR 60.44b(a)(1); PTC No. 077-00006, 9/20/00]

5.5 The VOC emissions shall not exceed 0.96 lb/hr and 4.22 T/yr.  
[PTC No. 077-00006, 9/20/00]

5.6 The CO emissions shall not exceed 14.0 lb/hr and 61.3 T/yr.  
[PTC No. 077-00006, 9/20/00]

5.7 The PM from the boiler stack shall not exceed a concentration of 0.015 grains per dry standard cubic foot corrected to 3% oxygen.  
[IDAPA 58.01.01.676, 05/01/94; PTC No. 077-00006, 9/20/00]

5.8 For purposes of compliance with Permit Condition 5.9, the NO<sub>x</sub> standards in Permit Condition 5.4 apply at all times including periods of startup, shutdown, or malfunction.  
[40 CFR 60.44b(h)]

5.9 Compliance with the NO<sub>x</sub> emissions limit in Permit Condition 5.4 is determined on a 30-day rolling average basis.  
[40 CFR 60.44b(i); PTC No. 077-00006, 9/20/00]

**Operating Requirement**

5.10 The maximum hourly natural gas throughput of the boiler shall not exceed 0.175 MMcf/hr. The maximum annual natural gas throughput of the boiler shall not exceed 1,533 MMcf/yr.  
[PTC No. 077-00006, 9/20/00]

5.11 The boiler shall only use natural gas as fuel.  
[PTC No. 077-00006, 9/20/00]

**Monitoring and Record-keeping Requirements**

5.12 An O&M manual for the boiler and LoNO<sub>x</sub> - EGR systems shall remain on site at all times.  
[PTC No. 077-00006, 9/20/00]

**AIR QUALITY TIER I OPERATING PERMIT NUMBER: T1-9507-114-1**

**Permittee:** J.R. Simplot Co. - Don Siding Plant

**Project No.**

**Date Issued:** April 5, 2004

**Location:** Pocatello, Idaho

T1-9507-114-1

**Date Expires:** ~~██████████~~

*The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.*

5.13 The permittee shall install, calibrate, and operate a NO<sub>x</sub> CEMS for measuring emissions discharged to the atmosphere and record the output of the system.  
[PTC No. 077-00006, 9/20/00; 40 CFR 60.48b(b)]

5.14 The NO<sub>x</sub> CEMS shall be operated and data recorded during all periods of operation of the affected facility except for continuous monitoring system breakdowns and repairs. Data is recorded during calibration checks and zero and span adjustments.  
[PTC No. 077-00006, 9/20/00; 40 CFR 60.48b(c)]

5.15 The one-hour average NO<sub>x</sub> emission rates measured by the NO<sub>x</sub> CEMS shall be expressed in lb/MMBtu heat input and shall be used to calculate the average 30-day emissions rates under Permit Condition 5.4. The one-hour averages shall be calculated using the data points required under 40 CFR 60.13(b). At least two data points must be used to calculate each one-hour average.  
[PTC No. 077-00006, 9/20/00; 40 CFR 60.13(b), 48b(d)]

5.16 The NO<sub>x</sub> CEMS must meet all requirements set forth in 40 CFR 60.13 (provided in Appendix B).  
[PTC No. 077-00006, 9/20/00; 40 CFR 60.13(b), 48b(e)]

5.17 The span value for NO<sub>x</sub> CEMS is 500 ppm.  
[PTC No. 077-00006, 9/20/00; 40 CFR 60.13(b), 48b(e)(2)]

5.18 When NO<sub>x</sub> emissions data is not obtained because of CEMS breakdowns, repairs, calibration checks, and zero and span adjustments, emissions data will be obtained by using standby monitoring systems, EPA Method 7, EPA Method 7A, or other approved reference methods to provide emissions data for a minimum of 75% of the operating hours in each steam-generating unit operating day for at least 22 out of 30 successive steam-generating unit operating days.  
[PTC No. 077-00006, 9/20/00; 40 CFR 60.13(b), 48b(f)]

~~5.19 Each operating day, the permittee shall monitor and record the natural gas usage for that day, in MMcf/day. Once per month, the permittee shall record the total natural gas usage for the previous rolling 12-month period, in MMcf/yr.  
[PTC No. 077-00006, 9/20/00]~~

~~5.20 The permittee shall calculate the emissions of SO<sub>2</sub>, CO, and NO<sub>x</sub> from the boiler on a monthly basis using AP-42 Section 1.4 (3/98) emission factors, or a DEQ-approved alternative.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]~~

5.21 The permittee shall calculate the annual capacity factor for each calendar quarter, and determine the annual capacity factor based on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.  
[PTC No. 077-00006, 9/20/00; 40 CFR 60.49b(d)]

~~5.22 The permittee shall maintain the following records for each boiler operating day:~~

~~5.22.1 Calendar date~~

~~5.22.2 The average hourly NO<sub>x</sub> emission rates (expressed as NO<sub>2</sub>) measured as lb/MMBtu heat input.~~

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**Date Expires:** ~~December 31, 2008~~

*The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.*

6.4 The NO<sub>x</sub> emissions from the boiler exhaust stack shall not exceed 2.88 lb/hr and 12.63 T/yr.  
[PTC No. 077-00006, 06/16/95]

6.5 The CO emissions from the boiler exhaust stack shall not exceed 11.7 lb/hr and 51.1 T/yr.  
[PTC No. 077-00006, 06/16/95]

6.6 The VOC emissions from the boiler exhaust stack shall not exceed 0.19 lb/hr, and 0.84 T/yr.  
[PTC No. 077-00006, 06/16/95]

6.7 Particulate emissions from the boiler stack shall not exceed a concentration of 0.015 grains per dry standard cubic foot corrected to 3% oxygen.  
[IDAPA 58.01.01.676, 05/01/94]

**Operating Requirement**

6.8 The Babcock and Wilcox boiler shall only use natural gas as fuel.  
[PTC No. 077-00006, 06/16/95]

6.9 The Babcock and Wilcox boiler shall not burn more than 559,000,000 cf of natural gas per year.  
[PTC No. 077-00006, 06/16/95]

**Monitoring and Record-keeping Requirements**

6.10 The permittee shall record and maintain records of the amounts of natural gas combusted during each day.  
[PTC No. 077-00006, 06/16/95; 40 CFR 60.48c(g); 40 CFR 60.48c(l); IDAPA 58.01.01.322.06, 07, 5/1/94]

6.11 The permittee shall record the cumulative volume of natural gas fuel consumed by the Babcock and Wilcox boiler on a monthly basis. The permittee shall record the total natural gas usage in MMcf per rolling 12-month period. The records shall be kept on site for at least five years and shall be made available to DEQ representatives upon request.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]

6.12 The permittee shall calculate the emissions of SO<sub>2</sub>, CO, and NO<sub>x</sub> from the boiler on a monthly basis using AP-42 Section 1.4 (3/98) emission factors, or a DEQ-approved alternative.  
[IDAPA 58.01.01.322.06, 07, 5/1/94]

**Reporting**

6.13 The permittee shall comply with 40 CFR 60.7, as contained in Appendix B, for notification and record-keeping requirements.  
[40 CFR 60.7]

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**Date Expires:** ~~12/12/01~~

*The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.*

**Permit Limits / Standard Summary**

**9.1 Particulate Matter Emissions**

- 9.1.1 The PM emissions from the Granulation No. 3 stack shall not exceed 7.0 lb/hr and 30.7 T/yr. The ton-per-year emissions limit shall be determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the actual hours per year the process(es) venting to this stack operate(s).

[PTC No. 077-00006, 12/12/01]

- 9.1.2 No person shall emit PM to the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in lb/hr, and PW is the process weight in lb/hr:

- a. If PW is less than 9,250 lb/hr,

$$E = 0.045(PW)^{0.60}$$

- b. If PW is equal to or greater than 9,250 lb/hr,

$$E = 1.10(PW)^{0.25}$$

[IDAPA 58.01.01.701, 4/5/00]

**9.2 PM<sub>10</sub> Emissions**

- 9.2.1 The PM<sub>10</sub> emissions from the Granulation No. 3 stack shall not exceed 5.7 lb/hr and 25.0 T/yr. The ton-per-year emissions limit shall be determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the actual hours per year the process(es) venting to this stack operate(s).

[PTC No. 077-00006, 12/12/01]

- 9.2.2 The PM<sub>10</sub> emissions from the diatomaceous earth baghouse shall not exceed 0.28 lb/hr and 1.2 T/yr.

[PTC No. 077-00006, 11/12/99]

- 9.3 Total fluoride emissions from the Granulation No. 3 stack shall not exceed 1.28 lb/hr, and shall not exceed 5.63 T/yr. The ton-per-year emissions limit shall be determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the actual hours per year the process(es) venting to this stack operate(s).

[PTC No. 077-00006, 12/12/01]

- 9.4 The NO<sub>x</sub> emissions from the Granulation No. 3 stack shall not exceed 3.4 lb/hr and 14.9 T/yr.

[PTC No. 077-00006, 12/12/01]

- 9.5 The SO<sub>2</sub> emissions from the Granulation No. 3 stack shall not exceed 0.02 lb/hr and 0.90 T/yr.

[PTC No. 077-00006, 12/12/01]

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**Date Expires:** ~~██████████~~

*The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.*

- 9.14 The dryer, with a maximum rated heat input capacity of 35 MMBtu/hr (determined on a 24-hour rolling average), shall burn only natural gas as fuel.

[PTC No. 077-00006, 12/12/01]

- 9.15 Maintenance to the scrubbers, and/or process equipment, and/or baghouse shall be performed if visible emissions from the Granulation No. 3 plant stack exceed 15% opacity.

[PTC No. 077-00006, 12/12/01]

- 9.16 The permittee shall comply with the Air Pollution Emergency Rules in IDAPA 58.01.01.550 through 562.

[PTC No. 077-00006, 12/12/01]

**Monitoring and Record-keeping Requirements**

- 9.17 The permittee shall conduct compliance tests within 12 months of, or 12 months prior to, December 24, 2002 to demonstrate compliance with the PM hourly emissions limit in Permit Condition 9.1.1, the PM<sub>10</sub> hourly emissions limit in Permit Condition 9.2.1, and the fluoride hourly emissions limit in Permit Condition 9.3.

During calendar years 2003, 2004, and 2005, compliance with the PM<sub>10</sub> emissions limit in Permit Condition 9.2.1 shall be determined by conducting a Method 5 performance test on the granulation No. 3 stack. The PM<sub>10</sub> fraction of the PM emission rate determined during the test shall be determined by multiplying the PM emission rate by a 0.82 conversion factor.

During calendar years 2004 and 2005, Method 5 and 202 performance tests shall be conducted on the granulation No. 3 stack in addition to the Method 5 test. No later than September 30, 2005, Simplot shall submit a permit application to revise the PM<sub>10</sub> emissions limits to reflect the results of the Method 5 and 202 performance tests. The permit application shall contain justification for each emission limit proposed. Once DEQ issues a permit with revised PM<sub>10</sub> emissions limits, compliance with Permit Condition 9.2.1 shall be determined by source testing using Methods 5 and 202 on the granulation No. 3 scrubber stack. The compliance tests shall be performed in accordance with Permit Conditions 2.15, 2.16, 2.17, and the following requirements, except that Permit Condition 9.17.6 shall not apply to testing of emissions of PM and PM<sub>10</sub> until calendar year 2006:

- 9.17.1 Visible emissions shall be observed during each compliance test run using the methods specified in IDAPA 58.01.01.625.

- 9.17.2 The pressure drop across the baghouse shall be monitored and recorded during each compliance test.

- 9.17.3 The pressure drop and liquid flow rate of the wet scrubber shall be monitored and recorded during each compliance test.

- 9.17.4 The feed rate, in tons of P<sub>2</sub>O<sub>5</sub> equivalent per hour, to the Granulation No. 3 plant shall be recorded during each compliance test. The permittee shall determine the rate of equivalent P<sub>2</sub>O<sub>5</sub> feed by first determining the mass rate in tons per hour of phosphorus-bearing feed, then multiplying the phosphorus bearing feed rate by the decimal fraction of P<sub>2</sub>O<sub>5</sub> content.



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**Location:** Pocatello, Idaho

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**Date Expires:** ~~February 1, 2007~~

*The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.*

9.17.5 The process data specified in the approved test protocol shall be monitored and recorded during the test period.

9.17.6 If the measurement during the initial compliance test is less than or equal to 75% of the respective hourly emission standard, no further testing for that emissions standard shall be required during the term of the permit. If the measurement during the initial compliance test is greater than 75%, but less than or equal to 90% of the hourly respective emission standard, a second test for that emissions standard shall be required in the third year of the permit term. If measurement during the compliance test is greater than 90% of the respective hourly emission standard, the permittee shall conduct a compliance test for that emissions standard annually.

[PTC No. 077-00006, 12/12/01; Tier II Permit No. 077-00006, 12/3/99; IDAPA 58.01.01.322.06, 5/1/94]

9.18 To demonstrate compliance with the NO<sub>x</sub>, CO, SO<sub>2</sub>, and VOC emissions limits, the permittee shall continuously monitor the amount of natural gas fired in the dryer. On a monthly basis, the permittee shall record the natural gas consumption of the dryer, the operating hours of the dryer, and the rolling 12-month natural gas usage. The permittee shall calculate the monthly and rolling 12-month emission rate using AP-42 Section 1.4 (3/98) emission factors for natural gas combustion, or a DEQ-approved alternative, on a monthly basis.

[IDAPA 58.01.01.322.09, 07, 5/1/94; IDAPA 58.01.01.322.01, 3/19/99]

9.19 Compliance with the fugitive PM, PM<sub>10</sub>, and fluoride emission shall be determined by the following:

9.19.1 Multiplying the hourly production rate, in tons per hour, by the emission factors of 0.027 lb/T for PM, 0.004 lb/T for PM<sub>10</sub>, and 0.00022 lb/T for fluoride per the facility's Granulation No. 3 upgrade permit application analysis.

9.19.2 Multiplying the annual production rate, in tons per year, by the emission factors of 0.027 lb/T for PM, 0.004 lb/T for PM<sub>10</sub>, and 0.00022 lb/T for fluoride per the facility's Granulation No. 3 upgrade permit application analysis.

[PTC No. 077-00006, 12/12/01]

9.20 Within 60 days after startup, the permittee shall develop an O&M manual for the baghouse and wet scrubber system that describes the procedures that will be followed to comply with General Provision 2 of PTC No. 077-00006 and Permit Conditions 9.12 and 9.13. This manual shall remain on site at all times and shall be made available to DEQ representatives upon request.

[PTC No. 077-00006, 12/12/01]

9.21 The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.

[General Provision 2 of PTC No. 077-00006, 12/12/01]

9.22 The permittee shall monitor and record the following information:

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**Date Expires:** ~~December 31, 2008~~

The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.

Table 12.2 contains only a summary of the requirements that apply to the phosphoric acid plant No. 400. Specific permit requirements are listed below Table 12.2.

**Table 12.2<sup>(1)</sup>: SUMMARY OF EMISSIONS LIMITS**

| Permit Conditions | Parameter                 | Permit Limit / Standard Summary                             | Applicable Requirements Reference              | Operating, Monitoring and Record-Keeping Requirements |
|-------------------|---------------------------|---|--|---|
| 12.1              | Total fluoride            | 1.3 lb/hr, 4.71 T/yr  | Tier II Permit No. 077-00006                   | 12.6 through 12.12, 12.15 through 12.20               |
|                   |                           | 0.020 lb/T of equivalent P <sub>2</sub> O <sub>5</sub> feed | 40 CFR 63.602(a); Tier II Permit No. 077-00006 |   |
| 12.2              | PM                        | 3.38 lb/hr, 14.80 T/yr                                      | Tier II Permit No. 077-00006                   | 12.6, 12.7, 12.13                                     |
|                   |                           | Process weight rate   | IDAPA 58.01.01.701                             |   |
| 12.3              | PM <sub>10</sub>          | 2.77 lb/hr, 12.13 T/yr                                      | Tier II Permit No. 077-00006                   | 12.6, 12.7, 12.13                                     |
| 12.4              | Total reduced sulfur      | 8.61 lb/hr, 37.7 T/yr                                       | Tier II Permit No. 077-00006                   | 12.4, 12.14   |
| 12.5              | Fugitive PM <sub>10</sub> | 0.01 lb/hr, 0.03 T/yr                                       | Tier II Permit No. 077-00006                   | 12.5  |

<sup>1</sup>If any requirement in this permit conflicts with any requirement contained in 40 CFR 63, the requirement in 40 CFR 63 shall supercede.

**Permit Limits / Standard Summary****12.1 Total Fluorides**

12.1.1 For the wet process phosphoric acid process line, the permittee shall comply with the total fluorides standard of 0.020 lb/T of equivalent P<sub>2</sub>O<sub>5</sub> feed.

[40 CFR 63.602(a)]

12.1.2 Total particulate and gaseous fluoride emissions from the phosphoric acid plant No. 400 stack shall not exceed 1.30 lb/hr, and 4.71 T/yr.

[Tier II Permit No. 077-00006, 12/3/99]

12.2 The PM emissions from the phosphoric acid plant No. 400 stack shall not exceed the emission limits set by IDAPA 58.01.01.701, or 3.38 lb/hr (whichever is more restrictive), and shall not exceed 14.80 T/yr. The ton-per-year rate shall be determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the actual hours per year the process(es) venting to this stack operate(s).

[Tier II Permit No. 077-00006, 12/3/99; IDAPA 58.01.01.701, 4/5/00]

12.3 The PM<sub>10</sub> emissions from the phosphoric acid plant No. 400 stack shall not exceed 2.77 lb/hr and 12.13 T/yr. The ton-per-year rate shall be determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the actual hours per year the process(es) venting to this stack operate(s).

[Tier II Permit No. 077-00006, 12/3/99]

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**Date Issued:** April 5, 2004  
**Date Expires:** ~~December 24, 2005~~

*The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.*

(F) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method B- Gravimetric Quimociac Method.

(G) Section XI, Methods of Analysis For Phosphoric Acid, Superphosphate, Triple Superphosphate, and Ammonium Phosphates, No. 3 Total Phosphorus-  $P_2O_5$ , Method C- Spectrophotometric Method.

- (4) To comply with Permit Condition 12.11(1) or (2), the owner or operator shall use the monitoring systems in Permit Condition 2.10 to determine the average pressure loss of the gas stream across each scrubber in the process scrubbing system and to determine the average flow rate of the scrubber liquid to each scrubber in the process scrubbing system during each of the total fluoride runs. The arithmetic averages of the three runs shall be used as the baseline average values for the purposes of Permit Condition 12.11(1) or (2).

[40 CFR 63.606(c)]

**12.13 PM and PM<sub>10</sub> Performance Test**

- 12.13.1 The permittee shall conduct compliance tests within 12 months of, or 12 months prior to, December 24, 2002 to demonstrate compliance with the PM and PM<sub>10</sub> hourly emissions limits required in Permit Conditions 12.2 and 12.3. After the first compliance test, the permittee shall conduct a compliance test once per annum to demonstrate compliance with hourly PM and PM<sub>10</sub> emissions limits in Permit Conditions 12.2 and 12.3.

During calendar years 2003, 2004, and 2005, compliance with the PM<sub>10</sub> emissions limit in Permit Condition 12.3 shall be determined by conducting a Method 5 performance test on the belt filter scrubber stack. The PM<sub>10</sub> fraction of the PM emission rate determined during the test shall be determined by multiplying the PM emission rate by a 0.82 conversion factor.

During calendar years 2004 and 2005, Method 5 and 202 performance tests shall be conducted on the belt filter scrubber stack in addition to the Method 5 test. All performance testing shall be conducted in accordance with Permit Condition 2.16.

No later than September 30, 2005, Simplot shall submit a permit application to revise the PM<sub>10</sub> emissions limits to reflect the results of the Method 5 and 202 performance tests. The permit application shall contain justification for each emission limit proposed. Once DEQ issues a permit with revised PM<sub>10</sub> emissions limits, compliance with Permit Condition 12.3 shall be determined by source testing using Methods 5 and 202 on the belt filter scrubber stack.

- 12.13.2 The permittee shall record the equivalent  $P_2O_5$  feed rate to the process, the pressure drop across each scrubber, and the flow rate of the scrubber liquid to each scrubber during compliance tests.

- 12.13.3 The permittee shall conduct a visible emissions evaluation during each compliance test. The evaluation shall be conducted in accordance with the procedures contained in IDAPA 58.01.01.625.

[IDAPA 58.01.01.322.06, 5/1/94; Tier II Permit No. 077-00006, 12/3/99]

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*The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.*

**Permit Limits / Standard Summary**

**14.1 Particulate Matter Emissions**

- 14.1.1 Particulate matter emissions from each cell of the reclaim cooling towers shall not exceed 17.65 lb/hr and 77.31 T/yr. The ton-per-year emissions limit shall be determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the actual hours per year the process(es) venting to this stack operate(s).

[Tier II Permit No. 077-00006, 12/3/99]

- 14.1.2 Based on the process weight rate equation the limit is 40.7 lb/hr per cell using a flowrate of 3,750 gpm per cell (30,000 gpm to the cooling tower). Because Condition 14.1.1 is more stringent, compliance with Condition 14.1.1 shall be deemed compliance with Condition 14.1.2.

[IDAPA 58.01.01.701, 4/5/00]

- 14.2 The PM<sub>10</sub> emissions from each cell of the reclaim cooling towers shall not exceed 3.53 lb/hr, and 15.48 T/yr. The ton-per-year emissions limit shall be determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the actual hours per year the process(es) venting to this stack operate(s).

[Tier II Permit No. 077-00006, 12/3/99]

- 14.3 Fluoride emissions from each cell of the reclaim cooling towers shall not exceed 4.9 lb/hr and 21.70 T/yr. The ton-per-year emissions limit shall be determined by multiplying the actual or allowable (if actual is not available) pound-per-hour emission rate by the actual hours per year the process(es) venting to this stack operate(s).

[Tier II Permit No. 077-00006, 12/3/99]

**Operating Requirements**

- 14.4 No owner or operator shall introduce into any evaporative cooling tower any liquid effluent from any wet scrubbing device installed to control emissions from process equipment. Each owner or operator of an affected source subject to this paragraph must certify to the Administrator annually that he/she has complied with the requirements contained in this section.

[40 CFR 63.602(e)]

- 14.5 The permittee shall operate the mist-eliminator control device at all times during operation of the reclaim cooling towers.

[IDAPA 58.01.01.322.01, 3/19/99]

**Monitoring and Record-keeping Requirements**

**14.6 PM and PM<sub>10</sub> Compliance Tests:**

- 14.6.1 The permittee shall conduct a compliance test within 12 months of, or 12 months prior to, December 24, 2002 to demonstrate compliance with the PM and PM<sub>10</sub> hourly emissions limits in Permit Conditions 14.1 and 14.2.

During calendar years 2003, 2004, and 2005, compliance with the PM<sub>10</sub> emissions limit in Permit Condition 14.2 shall be determined by conducting a Method 5 performance test on one of the cooling

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*The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.*

tower cells in each of the three reclaim cooling towers. The PM<sub>10</sub> fraction of the PM emission rate determined during the test shall be determined by multiplying the PM emission rate by a 0.20 conversion factor.

During calendar years 2004 and 2005, Method 5 and 202 performance tests shall be conducted on one of the cooling tower cells in each of the three reclaim cooling towers in addition to the Method 5 test. All performance testing shall be conducted in accordance with Permit Condition 2.16.

No later than September 30, 2005, Simplot shall submit a permit application to revise the PM<sub>10</sub> emissions limits to reflect the results of the Method 5 and 202 performance tests. The permit application shall contain justification for each emission limit proposed. Once DEQ issues a permit with revised PM<sub>10</sub> emissions limits, compliance with Permit Condition 14.2 shall be determined by annual source testing using Methods 5 and 202 on one of the cooling tower cells in each of the three reclaim cooling towers. The annual source test shall be conducted as specified in Permit Condition 14.8.

[IDAPA 58.01.01.322.06, 5/1/94; Tier II Permit No. 077-00006, 12/3/99]

14.6.2 Reserved.

14.6.3 The permittee shall conduct a visible emissions evaluation during each compliance test. The visible emissions evaluation shall be conducted in accordance with the procedures contained in IDAPA 58.01.01.625.

[Tier II Permit No. 077-00006, 12/3/99]

14.7 Total Fluorides Compliance Tests

14.7.1 The permittee shall conduct compliance tests within 12 months of, or 12 months prior to, December 24, 2002 to demonstrate compliance with the total fluorides hourly emissions limit in Permit Condition 14.3.

[IDAPA 58.01.01.322.06, 5/1/94; Tier II Permit No. 077-00006, 12/3/99]

14.7.2 The permittee shall conduct a visible emissions evaluation during each compliance test. The visible emissions evaluation shall be conducted in accordance with the procedures contained in IDAPA 58.01.01.625.

[IDAPA 58.01.01.322.06, 5/1/94; Tier II Permit No. 077-00006, 12/3/99]

14.7.3 After the first compliance test is fulfilled as required in this permit condition, the permittee shall conduct a compliance test once per annum to demonstrate compliance with the hourly total fluorides emissions limit in Permit Condition 14.3 as specified in Permit Condition 14.8.

[IDAPA 58.01.01.322.06, 07, 5/1/94; IDAPA 58.01.01.322.08, 4/5/00; Tier II Permit No. 077-00006, 12/3/99]

14.8 With respect to the compliance testing in Permit Condition 14.6 and 14.7, the permittee shall test one of the cooling tower cells in each of the three reclaim cooling towers. The permittee shall select different cooling tower cells for testing from year to year until all of the cells within a particular cooling tower have been tested. Once all cells in a cooling tower have been tested, the cell selection process shall start again.

[Tier II Permit No. 077-00006, 12/3/99]

14.9 Total Fluoride and PM/PM<sub>10</sub> Monitoring

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**Date Expires:** December 31, 2006

The permittee is hereby allowed to operate the equipment described herein subject to all terms and conditions of the permit.

**Table 16.2 SUMMARY OF PERMIT REQUIREMENTS**

| Permit Condition | Parameter                                      | Permit Limit or Standard   | Applicable Standard                               | Monitoring and Reporting               |
|------------------|--|--|---|--|
| 16.1             | SO <sub>2</sub>                                | 170 lb/hr—three hour average, 750 T/yr, 4 lb/T of 100% H <sub>2</sub> SO <sub>4</sub> produced | 40 CFR 60.82; PTC No. 077-00006                   | 16.8, 16.9, 16.10, 16.11, 16.13, 16.14 |
| 16.2             | H <sub>2</sub> SO <sub>4</sub> mist            | 3 lb/hour—24-hr average, 13 T/yr; 0.15 lb/T of 100% H <sub>2</sub> SO <sub>4</sub> produced    | 40 CFR 60.83(1); PTC No. 077-00006                | 16.11, 16.13, 16.14                    |
| 16.3             | PM   | Process weight rate  | IDAPA 58.01.01.702                                | None                                   |
|                  | PM <sub>10</sub>                               | A source test is required to determine the emission rate.                                      | PTC No. 077-00006                                 | 16.8, 16.9, 16.11, 16.13, 16.14        |
| 16.4             | NO <sub>x</sub>                                | 64 T/yr  | PTC No. 077-00006                                 | 16.8, 16.11, 16.13                     |
| 16.5             | NH <sub>3</sub>                                | 2.5 lb/hr, 11 T/yr   | PTC No. 077-00006                                 | 16.8, 16.9, 16.11, 16.13               |
| 16.6             | Opacity  | 10% for more than six-minute average   | 40 CFR 60.83(2); PTC No. 077-00006                | 16.11, 16.12, 16.14                    |
| 16.7             | Visible emissions                              | 20%, no fugitive emissions leaving property boundary   | IDAPA 58.01.01.625; PTC No. 077-00006             | 16.12, 16.13, 16.14                    |
| 16.8             | 100% H <sub>2</sub> SO <sub>4</sub> Throughput | 1,750 T/day – rolling 24-hr average  | PTC No. 077-00006                                 | 16.13                                  |
| 16.15            | SO <sub>2</sub>                                | Monitoring ground-level ambient SO <sub>2</sub> concentrations                                 | 40 CFR 52.675(b)(7); Tier II Permit No. 077-00006 | 17.8                                   |

**Permit Limits / Standard Summary**

- 16.1 Emissions of SO<sub>2</sub> shall not exceed 170 lb/hr calculated as a three-hour rolling average and 750 tons per any consecutive 12-month period. Emissions of SO<sub>2</sub> shall not exceed 4 lb/T of 100% sulfuric acid produced.

[40 CFR 60.82; PTC No. 077-00006, 6/15/01]

- 16.2 Emissions of sulfuric acid mist (as total H<sub>2</sub>SO<sub>4</sub>) shall not exceed 3 lb/hr calculated as a 24-hour rolling average and shall not exceed 13 tons per any consecutive 12-month period. Emissions of acid mist shall not exceed 0.15 lb/T of sulfuric acid produced, expressed as 100% H<sub>2</sub>SO<sub>4</sub>.

[40 CFR 60.83(1); PTC No. 077-00006, 6/15/01]

- 16.3 Particulate Matter

- 16.3.1 A source test will be required to determine the emission rate for PM<sub>10</sub>. This test was conducted and documented in a report dated 12/9/02.

[PTC No. 077-00006, 6/15/01]

- 16.3.2 No person shall emit PM to the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, in excess of the amount shown by the following equations,

Where

E is the allowable emission from the entire source in lb/hr, and PW is the process weight in lb/hr.

- a. If PW is less than 9,250 lb/hr,

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~~At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions in accordance with 40 CFR 60.11(d), as contained in Appendix B.~~

**[40 CFR 60.11(d); PTC No. 077-00006, 6/46/Q1]**

**Monitoring And Record-keeping Requirements**

16.10 (a) A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained, and operated by the owner or operator. The pollutant gas used to prepare calibration gas mixtures under Performance Specification 2 and for calibration checks under 40 CFR 60.13(d), shall be sulfur dioxide. Method 8 shall be used for conducting monitoring system performance evaluations under 40 CFR 60.13(c) except that only the sulfur dioxide portion of the Method 8 results shall be used. The span value shall be set at 1000 ppm of sulfur dioxide.

(b) The owner or operator shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton, lb/ton). The conversion factor shall be determined, as a minimum, three times daily by measuring the concentration of sulfur dioxide entering the converter using suitable methods (e.g., the Reich test, National Air Pollution Control Administration Publication No. 999-AP-13) and calculating the appropriate conversion factor for each eight-hour period as follows:

$$CF = k[(1.000 - 0.015r) / (r - s)]$$

Where:

CF = conversion factor (kg/metric ton per ppm, lb/ton per ppm).

k = constant derived from material balance. For determining CF in metric units, k = 0.0653. For determining CF in English units, k = 0.1306.

r = percentage of sulfur dioxide by volume entering the gas converter. Appropriate corrections must be made for air injection plants subject to the Administrator's approval.

s = percentage of sulfur dioxide by volume in the emissions to the atmosphere determined by the continuous monitoring system required under paragraph (a) of this section.

- (c) The owner or operator shall record all conversion factors and values under paragraph (b) of this section from which they were computed (i.e., CF, r, and s).
- (d) Alternatively, a source that processes elemental sulfur or an ore that contains elemental sulfur and uses air to supply oxygen may use the following continuous emission monitoring approach and calculation procedures in determining SO<sub>2</sub> emission rates in terms of the standard. This procedure is not required, but is an alternative that would alleviate problems encountered in the measurement of gas velocities or production rate. Continuous emission monitoring systems for measuring SO<sub>2</sub>, O<sub>2</sub>, and CO<sub>2</sub> (if required) shall be installed, calibrated, maintained, and operated by the owner or operator and subjected to the certification procedures in Performance Specifications 2 and 3. The calibration procedure and span value for the SO<sub>2</sub> monitor shall be as specified in paragraph (b) of this section. The span value for CO<sub>2</sub> (if required) shall be 10% and for O<sub>2</sub> shall be 20.9% (air). A conversion factor based on process rate data is not necessary. Calculate the SO<sub>2</sub> emission rate as follows:

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$$E_s = (C_s S) / [0.265 - (0.126 \%O_2) - (A \%CO_2)]$$

Where:

$E_s$  = emission rate of  $SO_2$ , kg/metric ton (lb/ton) of 100% of  $H_2SO_4$  produced.

$C_s$  = concentration of  $SO_2$ , kg/dscm (lb/dscf).

$S$  = acid production rate factor, 368 dscm/metric ton (11,800 dscf/ton) of 100%  $H_2SO_4$  produced.

$\%O_2$  = oxygen concentration, percent dry basis.

$A$  = auxiliary fuel factor.

= 0.00 for no fuel.

= 0.0226 for methane.

= 0.0217 for natural gas.

= 0.0196 for propane.

= 0.0172 for No 2 oil.

= 0.0161 for No 6 oil.

= 0.0148 for coal.

= 0.0126 for coke.

$\%CO_2$  = carbon dioxide concentration, percent dry basis.

Note: It is necessary in some cases to convert measured concentration units to other units for these calculations:

Use the following table for such conversions:

| From           | To     | Multiply by |
|----------------|--------|-------------|
| g/scm          | kg/scm | 0[-3]       |
| mg/scm         | kg/scm | 0[-6]       |
| ppm ( $SO_2$ ) | kg/scm | 0[-6]       |
| ppm ( $SO_2$ ) | lb/scf | 0[-7]       |

- (e) For the purpose of reports under 40 CFR 60.7(c), periods of excess emissions shall be all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average sulfur dioxide emissions exceed the applicable standards in Permit Condition 16.1.

[40 CFR 60.84]

- 16.11 The permittee shall conduct performance tests to demonstrate that the pollution control equipment is capable of achieving pollutant-specific emission limits. The initial performance test, and any subsequent compliance tests conducted to demonstrate compliance, shall be performed in accordance with IDAPA 58.01.01.157, General Provision F of PTC No. 077-00006, dated 6/15/01, and the requirements outlined in the following subsections. The annual compliance tests shall be conducted within 13 months after the previous initial performance or compliance test.



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General Provision F of PTC No. 077-00006 reads as follows:

"If emission testing is specified, the permittee must schedule such testing within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup. Such testing must **strictly** adhere to the procedures outlined in IDAPA 58.01.01.157 and shall not be conducted on weekends or state holidays without prior written DEQ approval. Testing procedures and specific time limitations may be modified by DEQ by prior negotiation if conditions warrant adjustment. DEQ shall be notified at least 15 days prior to the scheduled compliance test. Any records or data generated as a result of such compliance test shall be made available to DEQ upon request."

The maximum allowable operating rate shall be limited to 120% of the average operating rate attained during any performance test period, for which a test protocol has been granted prior approval by DEQ, unless (1) the test demonstrates noncompliance, (2) a more restrictive operating limit is specified elsewhere in this permit, or (3) at such an operating rate, emissions would exceed any emission limit(s) set forth in this permit."

[PTC No. 077-00006, 6/15/01]

**16.11.1 Sulfur Dioxide and Sulfuric Acid Mist**

Method 8 (or an alternative method approved by both DEQ and EPA in accordance with IDAPA 58.01.01.157) shall be used to determine the concentration of SO<sub>2</sub>. The performance tests shall also include a performance evaluation of the CEMS. Method 8 (or an alternative method approved by both DEQ and EPA in accordance with IDAPA 58.01.01.157) shall be used to determine the concentration of H<sub>2</sub>SO<sub>4</sub>.

In conducting the performance tests required in 40 CFR 60.8, the owner or operator shall use as reference methods and procedures the test methods in Appendix A of 40 CFR 60 or other methods and procedures as specified in this section, except as provided in 40 CFR 60.8(b). Acceptable alternative methods and procedures are given in paragraph (c) of this section.

(b) The owner or operator shall determine compliance with the SO<sub>2</sub>, acid mist, and visible emission standards in Permit Conditions 16.1, 16.2, and 16.6 as follows:

(1) The emission rate (E) of acid mist or SO<sub>2</sub>, shall be computed for each run using the following equation:

$$E = (CQ_{ad}) / (PK)$$

Where:

E = emission rate of acid mist or SO<sub>2</sub> kg/metric ton (lb/ton) of 100% H<sub>2</sub>SO<sub>4</sub> produced.

C = concentration of acid mist or SO<sub>2</sub>, g/dscm (lb/dscf).

Q<sub>ad</sub> = volumetric flow rate of the effluent gas, dscm/hr (dscf/hr).

P = production rate of 100% H<sub>2</sub>SO<sub>4</sub>, metric ton/hr (ton/hr).

K = conversion factor, 1000 g/kg (1.0 lb/lb).

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- (2) Method 8 shall be used to determine the acid mist and SO<sub>2</sub> concentrations (C's) and the volumetric flow rate (Q<sub>sd</sub>) of the effluent gas. The moisture content may be considered to be zero. The sampling time and sample volume for each run shall be at least 60 minutes and 1.15 dscm (40.6 dscf).
- (3) Suitable methods shall be used to determine the production rate (P) of 100% H<sub>2</sub>SO<sub>4</sub> for each run. Material balance over the production system shall be used to confirm the production rate.
- (4) Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.
- (c) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
  - (1) If a source processes elemental sulfur or an ore that contains elemental sulfur and uses air to supply oxygen, the following procedure may be used instead of determining the volumetric flow rate and production rate:
    - (i) The integrated technique of Method 3 is used to determine the O<sub>2</sub> concentration and, if required, CO<sub>2</sub> concentration.
    - (ii) The SO<sub>2</sub> or acid mist emission rate is calculated as described in Permit Condition 16.10(d), substituting the acid mist concentration for C's as appropriate.

[40 CFR 60.8 and 60.85; PTC No. 077-00006, 6/15/01]

- 16.11.2 The performance test for NO<sub>x</sub> shall be conducted in accordance with IDAPA 58.01.01.157. The test shall use the reference methods and procedures described in 40 CFR 60, Appendix A. Method 7 (or an alternative method approved by DEQ in accordance with IDAPA 58.01.01.157) shall be used to determine the concentration of NO<sub>x</sub>.

[PTC No. 077-00006, 6/15/01]

- 16.11.3 A performance test shall be conducted to evaluate total PM<sub>10</sub> from the sulfuric acid plant No. 300 and to establish an emissions factor for setting an emissions limit. The test shall use the reference methods and procedures described in 40 CFR 51, Appendix M. Method 201A and Method 202 (or alternative methods approved by DEQ in accordance with IDAPA 58.01.01.157) shall be used to determine the concentration of PM<sub>10</sub>.

[PTC No. 077-00006, 6/15/01]

- 16.11.4 The performance test for NH<sub>3</sub> shall be conducted in accordance with IDAPA 58.01.01.157.

[PTC No. 077-00006, 6/15/01]

- 16.11.5 Visible emissions shall be observed during each performance test run using the methods specified in EPA Reference Method 9 and IDAPA 58.01.01.625.

[40 CFR 60.8 and 60.85; PTC No. 077-00006, 6/15/01]

- 16.11.6 The production rate in pounds per hour and tons per day and the operating parameters shall be recorded during each performance test.

[PTC No. 077-00006, 6/15/01]

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**Permit Limits / Standard Summary**

- 17.1 The SO<sub>2</sub> emissions shall not exceed 4 lb/T of 100% sulfuric acid produced and 999 pounds per each running 3-hour period (whichever is more restrictive). In addition, SO<sub>2</sub> emissions shall not exceed 1,458 T/yr. The ton-per-year emission rate shall be determined by multiplying the actual, or allowable (if actual is not available), pound-per-hour emissions by the actual hours per year the process(es) venting to this stack operate(s).

[40 CFR 60.82(a); Tier II Permit No. 077-00006, 12/3/99]

- 17.2 Sulfuric acid mist emissions shall not exceed 0.15 lb/T of 100% sulfuric acid produced and 12.5 lb/hr (whichever is more restrictive). Sulfuric acid mist emissions shall also not exceed 54.8 T/yr. The ton-per-year emission rate shall be determined by multiplying the actual, or allowable (if actual is not available), pound-per-hour emissions by the actual hours per year the process(es) venting to this stack operate(s).

[40 CFR 60.83(a)(1); Tier II Permit No. 077-00006, 12/3/99]

- 17.3 Visible emissions shall not exhibit 10% opacity, or greater, as determined using the U.S. EPA Reference Method 9 and procedures in 40 CFR 60.11. The opacity standards set forth here shall apply at all times except during periods of startup, shutdown, and malfunction.

[40 CFR 60.83(a)(2), 40 CFR 60.85(b)(4), 40 CFR 60.11(c); Tier II Permit No. 077-00006, 12/3/99]

- 17.4 No person shall emit PM to the atmosphere from any process or process equipment commencing operation on or after October 1, 1979, in excess of the amount shown by the following equations, where E is the allowable emission from the entire source in lb/hr, and PW is the process weight in lb/hr.

- a. If PW is less than 9,250 lb/hr,

$$E = 0.045(PW)^{0.60}$$

- b. If PW is equal to or greater than 9,250 lb/hr,

$$E = 1.10(PW)^{0.25}$$

[IDAPA 58.01.01.701, 4/5/00]

**Operating Requirements**

- 17.5 The production rate of sulfuric acid plant No. 400 processes shall be determined during the tests required in Permit Condition 17.10. The maximum production during the following year shall not exceed 105% of the rate achieved during the tests unless Permit Conditions 17.5.1 through 17.5.5 are met.

[Tier II Permit No. 077-00006, 12/3/99]

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- 17.5.1 The SO<sub>2</sub> monitor is calibrated at least once every 24 hours using certified test gases, one of which has an SO<sub>2</sub> concentration equal to or less than the expected stack gas SO<sub>2</sub> concentration, and one of which has an SO<sub>2</sub> concentration greater than the expected stack gas SO<sub>2</sub> concentration.

[Tier II Permit No. 077-00006, 12/3/99]

- 17.5.2 The calibrated SO<sub>2</sub> monitor is cross-checked and agrees with the initial compliance test, which demonstrates SO<sub>2</sub> emission limit compliance.

[Tier II Permit No. 077-00006, 12/3/99]

- 17.5.3 Prior written approval by DEQ is received.

[Tier II Permit No. 077-00006, 12/3/99]

- 17.5.4 An emission test is performed at the requested increased emission rate, and the test demonstrates that the continuous emission monitor is accurate at the increased rate.

[Tier II Permit No. 077-00006, 12/3/99]

- 17.5.5 The SO<sub>2</sub> and acid mist emission limits will not be violated at the requested increased emission rates.

[Tier II Permit No. 077-00006, 12/3/99]

- 17.6 At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions in accordance with 40 CFR 60.11(d).

[40 CFR 60.11(d)]

**Monitoring Requirements**

**17.7 Continuous Emissions Monitoring**

- (a) A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained, and operated by the owner or operator. The pollutant gas used to prepare calibration gas mixtures under Performance Specification 2 and for calibration checks under 40 CFR 60.13(d), shall be sulfur dioxide. Method 8 shall be used for conducting monitoring system performance evaluations under 40 CFR 60.13(c) except that only the sulfur dioxide portion of the Method 8 results shall be used. The span value shall be set at 1000 ppm of sulfur dioxide.
- (b) The owner or operator shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton, lb/ton). The conversion factor shall be determined, as a minimum, three times daily by measuring the concentration of sulfur dioxide entering the converter using suitable methods (e.g., the Reich test, National Air Pollution Control Administration Publication No. 999-AP-13) and calculating the appropriate conversion factor for each eight-hour period as follows:

$$CF = k[(1.000 - 0.015r) / (r - s)]$$

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Where:

- CF = conversion factor (kg/metric ton per ppm, lb/ton per ppm).  
k = constant derived from material balance. For determining CF in metric units,  $k = 0.0653$ .  
For determining CF in English units,  $k = 0.1306$ .  
r = percentage of sulfur dioxide by volume entering the gas converter. Appropriate corrections must be made for air injection plants subject to the Administrator's approval.  
s = percentage of sulfur dioxide by volume in the emissions to the atmosphere determined by the continuous monitoring system required under paragraph (a) of this section.

- (c) The owner or operator shall record all conversion factors and values under paragraph (b) of this section from which they were computed (i.e., CF, r, and s).
- (d) Alternatively, a source that processes elemental sulfur or an ore that contains elemental sulfur and uses air to supply oxygen may use the following continuous emission monitoring approach and calculation procedures in determining SO<sub>2</sub> emission rates in terms of the standard. This procedure is not required, but is an alternative that would alleviate problems encountered in the measurement of gas velocities or production rate. Continuous emission monitoring systems for measuring SO<sub>2</sub>, O<sub>2</sub>, and CO<sub>2</sub> (if required) shall be installed, calibrated, maintained, and operated by the owner or operator and subjected to the certification procedures in Performance Specifications 2 and 3. The calibration procedure and span value for the SO<sub>2</sub> monitor shall be as specified in paragraph (b) of this section. The span value for CO<sub>2</sub> (if required) shall be 10% and for O<sub>2</sub> shall be 20.9% (air). A conversion factor based on process rate data is not necessary. Calculate the SO<sub>2</sub> emission rate as follows:

$$E_s = (C_s S) / [0.265 - (0.126 \%O_2) - (A \%CO_2)]$$

Where:

- E<sub>2</sub> = emission rate of SO<sub>2</sub>, kg/metric ton (lb/ton) of 100% of H<sub>2</sub>SO<sub>4</sub> produced.  
C<sub>s</sub> = concentration of SO<sub>2</sub>, kg/dscm (lb/dscf).  
S = acid production rate factor, 368 dscm/metric ton (11,800 dscf/ton) of 100% H<sub>2</sub>SO<sub>4</sub> produced.  
%O<sub>2</sub> = oxygen concentration, percent dry basis.  
A = auxiliary fuel factor.  
= 0.00 for no fuel.  
= 0.0226 for methane.  
= 0.0217 for natural gas.  
= 0.0196 for propane.  
= 0.0172 for No 2 oil.  
= 0.0161 for No 6 oil.  
= 0.0148 for coal.  
= 0.0126 for coke.  
%CO<sub>2</sub> = carbon dioxide concentration, percent dry basis.

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Note: It is necessary in some cases to convert measured concentration units to other units for these calculations:

Use the following table for such conversions:

|                        |        |                        |
|------------------------|--------|------------------------|
| g/scm                  | kg/scm | $10^{-3}$              |
| mg/scm                 | kg/scm | $10^{-6}$              |
| ppm (SO <sub>2</sub> ) | kg/scm | $2.660 \times 10^{-6}$ |
| ppm (SO <sub>2</sub> ) | lb/scf | $1.660 \times 10^{-7}$ |

[40 CFR 60.84(a), (b), (c), and (d); Tier II Permit No. 077-00006, 12/3/99]

**17.8 Monitoring Ground Level Ambient SO<sub>2</sub> Concentrations**

- 17.8.1 The permittee shall, by September 30, 1976, install, calibrate, maintain and operate a network for continuously monitoring ground-level ambient SO<sub>2</sub> concentrations along with wind speed and direction in accordance with 40 CFR 52.675(b)(7).

[40 CFR 52.675(b)(7); Tier II Permit No. 077-00006, 12/3/99]

- 17.8.2 The permittee shall operate the SO<sub>2</sub> monitors in their present locations, as specified in 40 CFR 50 and 40 CFR 58. For specific methods and quality control, follow EPA's "Quality Assurance Handbook for Air Pollution Measurement Systems".

[Tier II Permit No. 077-00006, 12/3/99]

- 17.8.3 Annual audits of the monitor's performance will be conducted by DEQ or other auditors approved by DEQ. Audit results will be sent in writing to DEQ within 45 days after the audit and will be performed in accordance with 40 CFR 58.

- 17.9 Opacity shall be determined using the Method 9 procedures contained in IDAPA 58.01.01.625. On a monthly basis, the permittee shall monitor and record the visible emissions observations complete with conditions at the time of observation. The records shall be kept at the facility for the most recent five-year period and shall be made available to DEQ representatives upon request.

[IDAPA 58.01.01.322.07, 5/1/94; PTC No. 077-00006, 6/15/01]

**Performance Tests and Compliance Procedures**

- 17.10 Annual SO<sub>2</sub> and H<sub>2</sub>SO<sub>4</sub> mist emissions tests shall be performed. All emission tests shall be performed at the process equipment's maximum operating rate.

[Tier II Permit No. 077-00006, 12/3/99]

- 17.11 (a) In conducting the performance tests, the owner or operator shall use as reference methods and procedures the test methods in Appendix A of 40 CFR 60 or other methods and procedures as specified in this section, except as provided in 40 CFR 60.8(b). Acceptable alternative methods and procedures are given in paragraph (c) of this section.

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- (b) The owner or operator shall determine compliance with the SO<sub>2</sub>, acid mist, and visible emission standards in Permit Conditions 17.1, 17.2, and 17.3 as follows:
- (1) The emission rate (E) of acid mist or SO<sub>2</sub>, shall be computed for each run using the following equation:

$$E = (CQ_{ad}) / (PK)$$

Where:

- E = emission rate of acid mist or SO<sub>2</sub> kg/metric ton (lb/ton) of 100% H<sub>2</sub>SO<sub>4</sub> produced.  
C = concentration of acid mist or SO<sub>2</sub>, g/dscm (lb/dscf).  
Q<sub>ad</sub> = volumetric flow rate of the effluent gas, dscm/hr (dscf/hr).  
P = production rate of 100% H<sub>2</sub>SO<sub>4</sub>, metric ton/hr (ton/hr).  
K = conversion factor, 1000 g/kg (1.0 lb/lb).
- (2) Method 8 shall be used to determine the acid mist and SO<sub>2</sub> concentrations (C's) and the volumetric flow rate (Q<sub>ad</sub>) of the effluent gas. The moisture content may be considered to be zero. The sampling time and sample volume for each run shall be at least 60 minutes and 1.15 dscm (40.6 dscf).
- (3) Suitable methods shall be used to determine the production rate (P) of 100% H<sub>2</sub>SO<sub>4</sub> for each run. Material balance over the production system shall be used to confirm the production rate.
- (4) Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.
- (c) The owner or operator may use the following as alternatives to the reference methods and procedures specified in this section:
- (1) If a source processes elemental sulfur or an ore that contains elemental sulfur and uses air to supply oxygen, the following procedure may be used instead of determining the volumetric flow rate and production rate:
- (i) The integrated technique of Method 3 is used to determine the O<sub>2</sub> concentration and, if required, CO<sub>2</sub> concentration.
- (ii) The SO<sub>2</sub> or acid mist emission rate is calculated as described in Permit Condition 17.7, substituting the acid mist concentration for C's as appropriate.

[IDAPA 58.01.01.322.06, 5/1/94; Tier II Permit No. 077-00006, 12/3/99]

**~~Reporting Requirements~~**

- 17.12 For the purpose of reports required under 40 CFR 60.7(c), periods of excess emissions shall be defined as all three-hour periods (or the arithmetic average of three consecutive one-hour periods) during which the integrated average SO<sub>2</sub> emissions exceed the applicable standards in Permit Condition 17.1.

[40 CFR 60.84(e)]

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF

J. R. Simplot Company – Don Siding Plant )  
Highway 30 and I-86 )  
Pocatello, Idaho )

COMPLIANCE AGREEMENT &  
VOLUNTARY ORDER  
Idaho Code § 39-116A

1. Pursuant to Idaho Environmental Protection and Health Act (EPHA), Idaho Code § 39-116A, the Idaho Department of Environmental Quality (DEQ) enters into this Compliance Agreement and Voluntary Order (Agreement) with J. R. Simplot Company – (Simplot), a Nevada Corporation.
2. Simplot owns and operates a fertilizer manufacturing plant in Pocatello, Idaho. The plant is known as the Don Siding Plant (Don Plant), an air pollution source regulated under the EPHA and the *Rules for the Control of Air Pollution in Idaho (Rules)*, IDAPA 58.01.01.001 through 999.
3. Section 172(c)(1) of the Clean Air Act requires state implementation plans for nonattainment areas to implement reasonably available control measures (RACM), including reasonably available control technology (RACT), for existing stationary sources. 42 USC 7502(c)(1).
4. The Don Plant is located within the Portneuf Valley PM<sub>10</sub> nonattainment area. The Environmental Protection Agency determined that the Portneuf Valley area met the PM<sub>10</sub> standard by the attainment date of December 31, 1996. 67 Fed. Reg. 48552 (July 25, 2002). The State of Idaho is submitting a SIP containing RACT/RACM to EPA to support its request to redesignate the area to attainment under section 107(d)(3) of the Clean Air Act. 42 USC 7407(d)(3).
5. DEQ has determined that the provisions of this Agreement constitute RACT for PM<sub>10</sub> emissions and secondary aerosol (PM<sub>10</sub>) emissions of NO<sub>x</sub> and SO<sub>2</sub> in light of the attainment needs of the area for the specific sources listed. DEQ's assessment of the RACT documentation is contained in the Reasonably Available Control Technology Analysis.
6. The Don Plant has existing limits in Tier I Operating Permit No. 077-00006, dated April 5, 2004, that are considered RACT for the following sources and pollutants:
  - No. 300 Sulfuric Acid Plant: SO<sub>2</sub>, NO<sub>x</sub> and NH<sub>3</sub>
  - No. 400 Sulfuric Acid Plant: SO<sub>2</sub>
  - No. 400 Phosphoric Acid Plant: PM<sub>10</sub>
  - Granulation No. 3 Plant: PM<sub>10</sub>
  - Reclaim Cooling Towers: PM<sub>10</sub>
  - B&W Boiler: NO<sub>x</sub>
  - HPB&W Boiler: NO<sub>x</sub>
7. In order to resolve this matter without litigation or further controversy, and making no



admission of fact or law, Simplot agrees to the provisions of this Agreement and the following terms and actions which shall be implemented to set RACT limits at the Don Plant\_\_\_\_\_

#### NO. 300 SULFURIC ACID PLANT

8. Emissions from the No. 300 sulfuric acid plant shall not exceed the emissions limits in Table 1.

Table 1. NO. 300 SULFURIC ACID PLANT EMISSIONS LIMITS

| Source Description                | PM <sub>10</sub>   |        | NO <sub>x</sub>    |
|-----------------------------------|--------------------|--------|--------------------|
|                                   | lb/hr <sup>1</sup> | T/yr   | lb/hr <sup>1</sup> |
| No. 300 Sulfuric Acid Plant Stack | Note A             | Note A | 16.0               |

<sup>1</sup> 24-hour average

Note A: Limit shall be set in accordance with condition 9

9. The hourly PM<sub>10</sub> RACT emissions limit (pounds per hour) for the No. 300 sulfuric acid plant shall be set by conducting five performance tests on the sulfuric acid plant stack. The limit will be determined based on the 95% confidence interval: limit = average of five tests plus 1.96 times the standard deviation of the five tests. The annual PM<sub>10</sub> RACT limit (tons per year) shall be set by multiplying the pound per hour RACT limit by 8760 hours per year and dividing by 2000 pounds per ton. The first performance test shall be conducted prior to December 30, 2004, and tests shall be conducted annually thereafter. The sum of the emissions measured from Method 5 and 202 shall be considered PM<sub>10</sub>.

#### NO. 400 SULFURIC ACID PLANT

10. Emissions from the No. 400 sulfuric acid plant shall not exceed the emissions limits in Table 2.

Table 2. NO. 400 SULFURIC ACID PLANT EMISSIONS LIMITS

| Source Description                | PM <sub>10</sub>   |        | NO <sub>x</sub>    |        |
|-----------------------------------|--------------------|--------|--------------------|--------|
|                                   | lb/hr <sup>1</sup> | T/yr   | lb/hr <sup>1</sup> | T/yr   |
| No. 400 Sulfuric Acid Plant Stack | Note A             | Note A | Note B             | Note B |

<sup>1</sup> 24-hour average

Note A: Limit shall be set in accordance with condition 11

Note B: Limit shall be set in accordance with condition 12

11. The hourly PM<sub>10</sub> RACT emissions limit (pounds per hour) for the No. 400 sulfuric acid plant shall be set by conducting five performance tests on the sulfuric acid plant stack. The limit will be determined based on the 95% confidence interval: limit = average of five tests plus 1.96 times the standard deviation of the five tests. The annual PM<sub>10</sub> RACT limit (tons per year) shall be set by multiplying the pound per hour RACT limit by 8760 hours per year and dividing by 2000 pounds per ton. The first performance test shall be conducted prior to December 30, 2004, and tests shall be conducted annually thereafter. The sum of the emissions measured from Method 5 and 202 shall be considered PM<sub>10</sub>.

12. The hourly NO<sub>x</sub> RACT emissions limit (pounds per hour) for the No. 400 sulfuric acid plant shall be set by conducting five performance tests on the sulfuric acid plant stack. The limit will be determined based on the 95% confidence interval: limit = average of five tests plus 1.96 times the standard deviation of the five tests. The annual NO<sub>x</sub> RACT limit (tons per year) shall be set by multiplying the pound per hour RACT limit by 8760 hours per year and dividing by 2000 pounds per ton. The first performance test shall be conducted prior to December 30, 2004, and tests shall be conducted annually thereafter.
13. ~~The permittee shall monitor and record the production rate of the No. 400 sulfuric acid plant in tons per hour, tons per rolling 24-hour period, and tons per any consecutive 12-month period.~~

### GRANULATION NO. 1 PLANT

14. Emissions from the granulation No. 1 plant shall not exceed the emissions limits in Table 3.

Table 3. GRANULATION NO. 1 PLANT EMISSIONS LIMITS

| Source Description       | PM/PM <sub>10</sub> |      |
|--------------------------|---------------------|------|
|                          | lb/hr               | T/yr |
| Reactor/granulator stack | 10.9                | 47.7 |
| Dryer stack              |                     |      |
| Baghouse stack           |                     |      |

### GRANULATION NO. 2 PLANT

15. Emissions from the granulation No. 2 plant shall not exceed the emissions limits in Table 4.

Table 4. GRANULATION NO. 2 PLANT EMISSIONS LIMITS

| Source Description     | PM/PM <sub>10</sub> |      |
|------------------------|---------------------|------|
|                        | lb/hr               | T/yr |
| Tailgas scrubber stack | 10.7                | 46.9 |
| Baghouse stack         |                     |      |

### COMPLIANCE AND PERFORMANCE TESTING

16. All testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine the testing does not satisfy the testing requirements. Therefore, prior to conducting any compliance test, the permittee is strongly encouraged to submit in writing to DEQ, at least 30 days in advance, the following for approval:

- The type of method to be used
- Any extenuating or unusual circumstances regarding the proposed test
- The proposed schedule for conducting and reporting the test

## DEQ REVIEW AND APPROVAL PROCESS

17. All correspondence sent by Simplot to DEQ shall be addressed to:

Tiffany Floyd  
Air Quality Manager  
Idaho Department of Environmental Quality  
Pocatello Regional Office  
444 Hospital Way, #300  
Pocatello, ID 83201

and a copy shall also be sent to:

Pat Nair  
Stationary Source Program Manager  
Idaho Department of Environmental Quality  
1410 North Hilton  
Boise, ID 83706

18. All correspondence sent by DEQ to Simplot shall be addressed to:

Delbert Butler  
Plant Manager  
J. R. Simplot Company - Don Siding Plant  
P. O. Box 912  
Pocatello, ID 83204

and a copy shall also be sent to:

Alan Prouty  
Director, Environmental & Regulatory Affairs  
J. R. Simplot Company  
P. O. Box 27  
Boise, ID 83707

Terry T. Uhling  
Sr. VP, Sec. & Gen. Counsel  
J.R. Simplot Company  
PO Box 27  
Boise, ID 83707

19. This Agreement shall not relieve Simplot from its obligation to comply with any of the provisions of the EPHA, the Rules, any provisions of an air quality permit issued by DEQ to Simplot, or other applicable local, state, or federal law and regulations
20. Simplot expressly recognizes that failure to comply with the terms of this Agreement may result in a district court action for specific performance of the Agreement, civil penalties, assessment of costs, restraining orders, injunctions and other relief available under law.
21. If any event occurs that causes, or may cause, delay in the achievement of any requirement of this Agreement, Simplot shall notify DEQ in writing within ten days of the date Simplot knew, or should have known, of the delay. Any notice under this paragraph shall describe in detail the anticipated length of the delay, all anticipated consequences of the delay, measures taken by Simplot to prevent or minimize the delay, and a timetable by which those measures shall be implemented. Simplot shall utilize all reasonable measures to avoid or minimize

~~any such delay. If DEQ determines that the delay or anticipated delay in achieving any requirements of this Agreement has been or will be caused by circumstances beyond the reasonable control of Simplot, DEQ may grant an extension for a period equal to the length of the delay. The burden of proving that any delay is caused by circumstances beyond the reasonable control of Simplot shall rest wholly with Simplot.~~

- ~~22. The Parties may modify the terms and conditions of this Agreement by a writing signed by both Parties. Any such written modification shall be incorporated into this Agreement and be enforceable as if included herein.~~
- ~~23. The effective date of this Agreement shall be the date of the signature by the Director of the Idaho Department of Environmental Quality.~~

DATED THIS 13 day of April, 2004

  
TERRY UHLING, SENIOR VP, SEC & GENERAL COUNSEL  
AUTHORIZED REPRESENTATIVE OF J. R. SIMPLOT COMPANY - DON SIDING PLANT

DATED THIS 16<sup>th</sup> day of April, 2004

  
C. STEPHEN ALLRED, DIRECTOR  
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

**The Amalgamated Sugar Company LLC – Nampa Factory**  
**T2-2009.0105 12/23/11**

**EPA-APPROVED IDAHO SOURCE-SPECIFIC REQUIREMENTS**

The following conditions: 1.2, including the table of Regulated Emission Point Sources Table, 3.2, 3.3 (first paragraph only), 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.11, 3.13, 3.14, 3.15, 3.16, and 4.1.



**Air Quality  
TIER II OPERATING PERMIT**

**State of Idaho  
Department of Environmental Quality**

**PERMIT No.:** T2-2009.0105

**FACILITY ID No.:** 027-00010

**AQCR:** 64    **CLASS:** A    **ZONE:** 11

**SIC:** 2063    **NAICS:** 311313

**UTM COORDINATE (km):** 534.5, 4828.0

**1. PERMITTEE**

The Amalgamated Sugar Company LLC – Nampa Factory (TASCO)

**2. PROJECT**

Project No. 60867, BART Tier II Operating Permit

**3. MAILING ADDRESS**

P.O. Box 8787

**CITY**

Nampa

**STATE**

ID

**ZIP**

83653-8787

**4. FACILITY CONTACT**

Glen Patrick

**TITLE**

Plant Environmental Manager

**TELEPHONE**

(208) 468-6883

**5. RESPONSIBLE OFFICIAL**

Kent Quinney

**TITLE**

Plant Manager

**TELEPHONE**

(208) 466-3541

**6. EXACT PLANT LOCATION**

138 W. Karcher Ave., Nampa, Idaho

**COUNTY**

Canyon

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Beet Sugar Manufacturing

**8. PERMIT AUTHORITY**

This permit is issued according to the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.400 through 410, and pertains only to emissions of air contaminants regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

Changes in design, equipment or operations may be considered a modification. Modifications are subject to DEQ review in accordance with IDAPA 58.01.01.200 through 228 of the Rules for the Control of Air Pollution in Idaho.

MORRIE LEWIS, PERMIT WRITER  
DEPARTMENT OF ENVIRONMENTAL QUALITY

MIKE SIMON, STATIONARY SOURCE PROGRAM MANAGER  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**Date Issued:**

**December 23, 2011**

**Date Modified/Revised:**

**Date Expires:**

**December 23, 2016**

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## Acronyms, Units, and Chemical Nomenclature

|                  |  |
|------------------|--|
| AQCR             | Air Quality Control Region   |
| BART             | Best Available Retrofit Technology   |
| B&W              | Babcock & Wilcox   |
| CAA              | Clean Air Act  |
| CAM              | Compliance Assurance Monitoring  |
| CFR              | Code of Federal Regulations  |
| CO               | carbon monoxide  |
| DEQ              | Department of Environmental Quality  |
| EPA              | U.S. Environmental Protection Agency   |
| ftpm             | feet per minute  |
| gpm              | gallons per minute   |
| IDAPA            | a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act |
| iwg              | inches of water gauge  |
| lb/hr            | pounds per hour  |
| lb steam/hr      | pounds of steam output per hour  |
| LNBs             | low NO <sub>x</sub> burners when firing coal   |
| MMBTU/hr         | million British thermal units per hour   |
| MMscf/hr         | million standard cubic feet per hour   |
| NAAQS            | National Ambient Air Quality Standards   |
| NAICS            | North American Industry Classification System  |
| NO <sub>2</sub>  | nitrogen dioxide   |
| NO <sub>x</sub>  | nitrogen oxides  |
| NSPS             | New Source Performance Standards   |
| O&M              | operations and maintenance   |
| PM               | particulate matter   |
| PM <sub>10</sub> | particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers                                       |
| PSD              | prevention of significant deterioration of air quality   |
| SIC              | Standard Industrial Classification   |
| SIP              | State Implementation Plan  |
| SO <sub>2</sub>  | sulfur dioxide   |
| SO <sub>x</sub>  | sulfur oxides  |
| TAP              | toxic air pollutants   |
| TASCO            | The Amalgamated Sugar Company, LLC – Nampa Factory   |
| T/hr             | tons per hour  |
| U.S.C.           | United States Code   |
| UTM              | Universal Transverse Mercator  |
| VOC              | volatile organic compounds   |



## 1. TIER II OPERATING PERMIT SCOPE

### Purpose

- 1.1 The purpose of this Tier II Operating Permit is to establish Best Available Retrofit Technology (BART) and BART Alternative emission standards and requirements for the TASCOS Riley Boiler and Nampa factory in accordance with 40 CFR 51.308(e) and IDAPA 58.01.01.668.

This permit is not effective until a revised Regional Haze State Implementation Plan (RH SIP) is approved by the U.S. Environmental Protection Agency (EPA) which incorporates BART requirements from this permit.

Upon the effective date of a revised RH SIP, this permit supersedes Tier II Operating Permit No. T2-2009.0105 issued on September 7, 2010.

### Regulated Sources

- 1.2 The emission sources regulated by this permit are listed in the following Regulated Emission Point Sources Table.

REGULATED EMISSION POINT SOURCES TABLE

| Permit Section | Source Description   | Control Equipment Descriptions   |
|----------------|--|--|
| 2 & 3          | <u>Riley Boiler (S-B3)</u><br>Installation Date: 1969<br>Rated steam capacity: 250,000 lb steam/hr<br>Maximum capacity: 350 MMBTU/hr<br>Maximum operation: 8,760 hr/yr<br>Fuel types: coal, natural gas  | <u>Baghouse (A-B3)</u><br>Manufacturer: Envirotech Corp.<br>Control efficiency: ≥99.0% for PM (BART for PM)<br><br><u>Coal-Firing LNBs</u><br>Control efficiency: ≥60.7% for NO <sub>x</sub> (BART for NO <sub>x</sub> )               |
|                | <u>B&amp;W Boiler #1 (S-B1)</u><br>Installation Date: 1942<br>Rated steam capacity: 105,000 lb steam/hr<br>Maximum capacity: 126 MMBTU/hr<br>Maximum operation: 8,760 hr/yr<br>Fuel types: coal, natural gas<br><br><u>B&amp;W Boiler #2 (S-B2)</u><br>Installation Date: 1942<br>Rated steam capacity: 105,000 lb steam/hr<br>Maximum capacity: 126 MMBTU/hr<br>Maximum operation: 8,760 hr/yr<br>Fuel types: coal, natural gas | <u>Coal-Firing LNBs</u><br>Control efficiency: ≥55% for NO <sub>x</sub> (BART Alternative for SO <sub>2</sub> )<br><br><u>Coal-Firing LNBs</u><br>Control efficiency: ≥55% for NO <sub>x</sub> (BART Alternative for SO <sub>2</sub> ) |
| 2 & 4          | <u>Pulp Dryers (S-D1, S-D2, and S-D3)</u>  | <u>Permanent shutdown</u> (BART Alternative for SO <sub>2</sub> )  |

## **2. FACILITY-WIDE CONDITIONS**

### ***Obligation to Comply***

- 2.1 Receiving a Tier II operating permit shall not relieve any owner or operator of the responsibility to comply with all applicable local, state, and federal rules and regulations, in accordance with IDAPA 58.01.01.406.

### ***Incorporation of Federal Requirements by Reference***

- 2.2 Unless expressly provided otherwise, any reference in this permit to any document identified in IDAPA 58.01.01.107.03 shall constitute the full incorporation into this permit of that document for the purposes of the reference, including any notes and appendices therein, in accordance with IDAPA 58.01.01.107. Documents include, but are not limited to:

- Protection of Visibility, 40 CFR Part 51, Subpart P, Section 308 – Best Available Retrofit Technology (BART) requirements

For permit conditions referencing or cited in accordance with any document incorporated by reference (including permit conditions identified as BART and CAM), should there be any conflict between the requirements of the permit condition and the requirements of the document, the requirements of the document shall govern, including any amendments.

### ***DEQ Address***

- 2.3 Any reporting required by this permit, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, notifications of intent to test, testing reports, or compliance certifications, shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete. Any reporting required by this permit shall be submitted to the following address:

Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, ID 83706

Phone: (208) 373-0550  
Fax: (208) 373-0287

### ***Performance Testing***

- 2.4 When testing is required, the following test methods shall be used to measure the pollutant emissions unless otherwise approved by DEQ in accordance with IDAPA 58.01.01.157.

**TEST METHODS**

| <b>Pollutant</b> | <b>Test Method</b>                 |
|------------------|------------------------------------|
| PM <sub>10</sub> | EPA Method 201.a<br>and Method 202 |
| NO <sub>x</sub>  | EPA Method 7                       |
| SO <sub>2</sub>  | EPA Method 6                       |
| CO               | EPA Method 10                      |

### 3. BOILERS

#### 3.1 Process Description

The Nampa factory operates three industrial boilers each fired by pulverized coal and/or natural gas to supply steam and generate electricity for processing of sugar beets into sugar and byproducts, including animal feed at the Nampa facility. These boilers are the one Riley Boiler and two Babcock & Wilcox (B&W) Boilers.

#### 3.2 BART and BART Alternative Control Equipment Descriptions

- BART for the control of PM emissions is the existing Baghouse (A-B3) on the Riley Boiler.
- BART for the control of NO<sub>x</sub> emissions is Coal-Firing LNBs on the Riley Boiler.
- The BART Alternative to the control of SO<sub>2</sub> emissions is Coal-Firing LNBs on B&W Boiler #1 and Coal-Firing LNBs on B&W Boiler #2 for the control of NO<sub>x</sub>, and shutdown of the three coal-fired Pulp Dryers (S-D1, S-D2, and S-D3) for the control of PM, NO<sub>x</sub>, and SO<sub>2</sub>.

#### **Compliance Dates**

#### 3.3 BART 40 CFR 51.308, Subpart P – BART Control Equipment Installation and Operation Due Date

Unless the Riley Boiler is fired with natural gas only, the permittee shall install and operate BART and BART Alternative controls (Permit Conditions 3.6 and 3.7) as expeditiously as practicable, but in no event later than July 22, 2016, in accordance with IDAPA 58.01.01.668.04 and 40 CFR 51.308(e)(1)(iv).

The permittee may submit a request to obtain DEQ-approved BART alternatives and to revise this permit in accordance with IDAPA 58.01.01.404.04. DEQ will process the request in accordance with IDAPA 58.01.01.404. The request must be submitted timely such that any revisions to this permit and the corresponding revision to the RH SIP are approved prior to July 22, 2016. Pursuant to Section 110(k)(2) of the Clean Air Act, EPA has 12 months to act on a requested SIP revision.

#### **Emissions Limits**

#### 3.4 BART 40 CFR 51.308, Subpart P – BART Emission Limits

On and after July 22, 2016, emissions from the Riley Boiler shall not exceed any corresponding emission rate limit listed in the following BART Emission Limits Table, in accordance with 40 CFR 51.308(e) and IDAPA 58.01.01.668.

**BART EMISSION LIMITS TABLE <sup>(a)</sup>**

| Source Description | PM <sub>10</sub><br>lb/hr <sup>(b)(c)</sup> | NO <sub>x</sub><br>lb/hr <sup>(b)(c)</sup> |
|--------------------|---|--|
| Riley Boiler       | 12.4  | 147  |

<sup>a)</sup> In absence of any other credible evidence, compliance is assured by complying with permit operating, monitoring, and recordkeeping requirements.

<sup>b)</sup> Pounds per hour as determined by the prescribed test method (Permit Condition 2.4), or alternative test method approved by DEQ in accordance with IDAPA 58.01.01.157.

<sup>c)</sup> BART emission rate limit established pursuant to 40 CFR 51.308(e).

#### 3.5 BART 40 CFR 51.308, Subpart P – BART Alternative Emission Limits

At all times the Riley Boiler is fired with coal on and after July 22, 2016, emissions from the B&W Boiler #1 and B&W Boiler #2 combined shall not exceed any corresponding emission rate limit listed in the following BART Alternative Emission Limits Table, in accordance with 40 CFR 51.308(e) and IDAPA 58.01.01.668.

**BART ALTERNATIVE EMISSION LIMITS TABLE <sup>(a)</sup>**

| <b>Source Description</b>                 | <b>NO<sub>x</sub><br/>lb/hr <sup>(b)(c)</sup></b> |
|---|---|
| B&W Boiler #1 and B&W Boiler #2, combined | 103   |

- a) In absence of any other credible evidence, compliance is assured by complying with permit operating, monitoring, and recordkeeping requirements.
- b) Pounds per hour as determined by the prescribed test method (Permit Condition 2.4), or alternative test method approved by DEQ in accordance with IDAPA 58.01.01.157.
- c) BART Alternative emission rate limit established pursuant to 40 CFR 51.308(e)(2).

## ***Operating Requirements***

### **3.6 BART 40 CFR 51.308, Subpart P – Baghouse Control Equipment**

At all times the Riley Boiler is fired with coal on and after July 22, 2016, the permittee shall operate Baghouse (A-B3) to control PM emissions from the Riley Boiler to ensure compliance with the PM<sub>10</sub> emission limit (Permit Condition 3.4), in accordance with 40 CFR 51.308(e) and IDAPA 58.01.01.668. The baghouse need not be operated during periods when the Riley Boiler is being fired exclusively with natural gas.

### **3.7 BART 40 CFR 51.308, Subpart P – Coal-Firing LNBs**

At all times the Riley Boiler is fired with coal on and after July 22, 2016, the permittee shall:

- Operate Riley Boiler Coal-Firing LNBs at all times the Riley Boiler is fired by coal, to ensure compliance with the relevant NO<sub>x</sub> emission limit (Permit Condition 3.4). The Coal-Firing LNBs shall have a maximum rated heat input capacity (highest heating value) of less than or equal to 350 MMBTU/hr.
- Operate B&W Boiler #1 Coal-Firing LNBs at all times the B&W Boiler #1 is fired by coal, to ensure compliance with the relevant NO<sub>x</sub> emission limit (Permit Condition 3.5). The Coal-Firing LNBs shall have a maximum rated heat input capacity (highest heating value) of less than or equal to 126 MMBTU/hr.
- Operate B&W Boiler #2 Coal-Firing LNBs at all times the B&W Boiler #2 is fired by coal, to ensure compliance with the relevant NO<sub>x</sub> emission limit (Permit Condition 3.5). The Coal-Firing LNBs shall have a maximum rated heat input capacity (highest heating value) of less than or equal to 126 MMBTU/hr.

### **3.8 BART 40 CFR 51.308, Subpart P – Maintenance of BART Equipment**

On and after July 22, 2016 the permittee shall maintain each required BART control equipment (if required by Permit Conditions 3.3 or 3.6) and establish procedures to ensure such equipment is properly operated and maintained, in accordance with IDAPA 58.01.01.668.05 and 40 CFR 51.308(e)(1)(v).

### **3.9 Riley Boiler Fuels**

- Unless complying with the Coal-Firing LNBs requirements (Permit Condition 3.7), on and after July 22, 2016 the Riley Boiler shall be fired using natural gas only.
- On and after July 22, 2016, the Riley Boiler shall not be fired with coal until such date that the Coal-Firing LNBs are installed and operated in accordance with Permit Condition 3.7.

## ***Monitoring and Recordkeeping Requirements***

### **3.10 Operation and Maintenance Manuals**

Within 180 days after installation of Coal-Firing LNBs (Permit Condition 3.7), the permittee shall develop and submit to DEQ an Operation and Maintenance (O&M) manual for review and comment at the address provided (Permit Condition 2.3). Any changes to the O&M manual shall be submitted to DEQ for review and comment within 15 days of the change.

- The O&M manual shall describe for the installed control equipment described in the Regulated Emission Point Sources Table (Permit Condition 1.2), procedures that will be followed to ensure compliance with emission limits (Permit Conditions 3.4 and 3.5), the maintenance of BART equipment requirement (Permit Condition 3.8), the control equipment maintenance and operation general provision (General Provision 2), and the manufacturer's specifications. The O&M manual shall be developed by the permittee based upon, but independent of, the manufacturer supplied operating manual(s).
- The permittee shall operate control equipment in accordance with the O&M manual. The procedures specified in the O&M manual are incorporated by reference into this permit and are enforceable permit conditions. The O&M manual and copies of any manufacturer's manual(s) and recommendations shall remain on site at all times and shall be made available to DEQ representatives upon request.
- Procedures for periodic calibration of the pressure drop monitor associated with Baghouse (A-B3), including calibration to an accuracy of within  $\pm 5\%$  inches of water gauge. The monitor shall be calibrated on at least an annual basis or as specified by the manufacturer.

## ***Performance Testing Requirements***

### **3.11 BART Initial Performance Tests**

- On or before December 20, 2016, performance tests shall be conducted on the Riley Boiler exhaust to demonstrate compliance with the following emission limit, in accordance with IDAPA 58.01.01.405 and IDAPA 58.01.01.157:
  - The Riley Boiler PM<sub>10</sub> emission limit in pounds per hour (Permit Condition 3.4)
- Within 180 days of initial startup of Coal-Firing LNBs (Permit Condition 3.7), performance tests shall be conducted on the Riley Boiler exhaust and the B&W Boilers exhaust to demonstrate compliance with the following emission limits, in accordance with IDAPA 58.01.01.405 and IDAPA 58.01.01.157:
  - The Riley Boiler NO<sub>x</sub> emission limit in pounds per hour (Permit Condition 3.4)
  - The B&W Boilers combined NO<sub>x</sub> emission limit in pounds per hour (Permit Condition 3.5)

### **3.12 CO Initial Performance Tests**

Within 180 days of initial startup of the Coal-Firing LNBs (Permit Condition 3.7), performance tests shall be conducted on the Riley Boiler and B&W Boilers exhaust stacks to determine the following emission rates, in accordance with IDAPA 58.01.01.405 and IDAPA 58.01.01.157:

- The Riley Boiler CO emissions in pounds per hour,
- The B&W Boilers combined CO emissions in pounds per hour

### **3.13 Periodic Performance Testing**

After completing the BART initial performance tests, performance tests to determine PM<sub>10</sub> and NO<sub>x</sub> emissions from the Riley Boiler exhaust and to determine NO<sub>x</sub> emissions from the B&W Boilers exhaust shall be conducted as described in Permit Condition 3.11 during the Beet Campaign each year, in accordance with IDAPA 58.01.01.405 and IDAPA 58.01.01.157, unless another testing frequency has been approved by DEQ. For the purposes of this requirement, the Beet Campaign shall be defined as October through February of each year.

### **3.14 Performance Test Conditions, Monitoring, and Recordkeeping**

Each required performance test (Permit Conditions 3.11 through 3.13) shall be conducted using an approved test method (Permit Condition 2.4) and under the following conditions unless otherwise approved by DEQ, in accordance with IDAPA 58.01.01.405, IDAPA 58.01.01.157, and General Provision 6:

- Emissions shall be measured while combusting coal fuel in the boiler(s) being tested
- Three separate test runs shall be conducted for each performance test
- The permittee shall monitor and record the following during each performance test for the boiler tested, unless otherwise approved by DEQ:
  - Steam production rate of the boiler, in pounds per hour (lb steam/hr), once every 15 minutes;
  - Coal feed rate to the boiler, in tons per hour (T/hr), once every 15 minutes (the coal feed rate may be determined using alternate relevant operational parameter(s) and a calculation method which has been approved by DEQ);
  - Natural gas firing rate of the boiler, in million standard cubic feet per hour (MMscf/hr), once every 15 minutes;
  - Highest heating value and analysis results of the coal fuel fired, including ash content; and
  - Pressure drop across Baghouse (A-B3) during each Riley Boiler PM<sub>10</sub> test, in inches water gauge (iwg), once every 15 minutes.

### **3.15 Performance Test Reporting**

The permittee shall submit performance test reports to DEQ which include records of the monitoring required (Permit Condition 3.14) and in accordance with the performance testing general provision (General Provision 6). Performance test reports shall be submitted by the permittee to the DEQ address provided (Permit Condition 2.3).

## ***Compliance Notifications***

### **3.16 BART Compliance Notifications**

- If coal-firing LNBs have not been installed by July 22, 2016 (Permit Condition 3.7), the permittee shall provide written notification to DEQ describing the method(s) used on the Riley Boiler to disable coal-firing and to ensure that coal is not fired in the Riley Boiler (Permit Condition 3.9) until the coal-firing LNBs have been installed.
- Notification of the anticipated date of initial startup of Coal-Firing LNBs (Permit Condition 3.7) shall be provided not more than sixty days or less than thirty days prior to such date as provided in General Provision 5.
- Notifications shall be submitted to the DEQ address provided (Permit Condition 2.3).

#### **4. SOUTH PULP DRYER**

##### ***Operating Requirements***

##### **4.1 BART 40 CFR 51.308, Subpart P – Shutdown of South Pulp Dryer**

The permittee shall permanently shut down the South Pulp Dryer (S-D1).

## **5. TIER II PERMIT TO OPERATE GENERAL PROVISIONS**

### ***General Compliance***

1. The permittee has a continuing duty to comply with all terms and conditions of this permit. All emissions authorized herein shall be consistent with the terms and conditions of this permit and the Rules for the Control of Air Pollution in Idaho. The emissions of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code §39-101, et seq.  
[Idaho Code §39-101, et seq.]
2. The permittee shall at all times (except as provided in the Rules for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.  
[IDAPA 58.01.01.405, 5/1/94]
3. Nothing in this permit is intended to relieve or exempt the permittee from the responsibility to comply with all applicable local, state, or federal statutes, rules and regulations.  
[IDAPA 58.01.01.406, 5/1/94]

### ***Inspection and Entry***

4. Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:
  - a. Enter upon the permittee's premises where an emissions source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - d. As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.  
[Idaho Code §39-108]

### ***Construction and Operation Notification***

5. The permittee shall furnish DEQ written notifications as follows:
  - a. A notification of the date of initiation of construction, within five working days after occurrence;
  - b. A notification of the date of any suspension of construction, if such suspension lasts for one year or more;
  - c. A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty days or less than thirty days prior to such date;
  - d. A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date; and



- e. A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date.

[IDAPA 58.01.01.405, 5/1/94]

### ***Performance Testing***

6. If performance testing (air emissions source test) is required by this permit, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test date or shorter time period as approved by DEQ. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests that such testing not be performed on weekends or state holidays.

All performance testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, at least 30 days prior to conducting any performance test, the permittee is encouraged to submit a performance test protocol to DEQ for approval. The written protocol shall include a description of the test method(s) to be used, an explanation of any or unusual circumstances regarding the proposed test, and the proposed test schedule for conducting and reporting the test.

Within 30 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The written report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

[IDAPA 58.01.01.157, 4/5/00]

### ***Monitoring and Recordkeeping***

7. The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Records of monitoring information shall include, but not be limited to the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.405, 5/1/94]

### ***Excess Emissions***

8. The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets and breakdowns.  
[IDAPA 58.01.01.130-136, 4/5/00]

### ***Certification***

9. All documents submitted to DEQ, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certification shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.  
[IDAPA 58.01.01.123, 5/1/94]

### ***False Statements***

10. No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit, or any applicable rule or order in force pursuant thereto.  
[IDAPA 58.01.01.125, 3/23/98]

### ***Tampering***

11. No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.  
[IDAPA 58.01.01.126, 3/23/98]

### ***Expiration and Renewal***

12. This permit shall be renewable on the expiration date, provided the permittee submits an application for renewal to the Department and continues to meet all terms and conditions contained in the permit. The expiration of this permit will not affect the operation of the stationary source of facility during the administrative procedure period associated with the permit renewal process.  
[IDAPA 58.01.01.404.04, 7/1/02]

### ***Transferability***

13. This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.404.05.  
[IDAPA 58.01.01.404.05, 4/11/06]

## **P4 Production, L.L.C., Soda Springs, Idaho**

**T2-2009.0109 11/17/2009**

### **EPA-APPROVED IDAHO SOURCE-SPECIFIC REQUIREMENTS**

The following conditions: 1.2 (including Table 1.1), 2.3, 2.4, 2.5, 2.6, 2.7, and 2.8.



**Air Quality  
TIER II OPERATING PERMIT**

**State of Idaho  
Department of Environmental Quality**

**PERMIT No.:** T2-2009.0109

**FACILITY ID No.:** 029-00001

**AQCR:** 61    **CLASS:** A    **ZONE:** 12

**SIC:** 2819    **NAICS:** 325188

**UTM COORDINATE (km):** 452.0, 4726.0

**1. PERMITTEE**

P4 Production, L.L.C.

**2. PROJECT**

DEQ-initiated BART Tier II operating permit

**3. MAILING ADDRESS**

P. O. Box 816

**CITY**

Soda Springs

**STATE**

ID

**ZIP**

83276

**4. FACILITY CONTACT**

Carol Adams

**TITLE**

Senior Environmental Engineer

**TELEPHONE**

(208) 547-1224

**5. RESPONSIBLE OFFICIAL**

Sheldon D. Alver

**TITLE**

Plant Manager

**TELEPHONE**

(208) 547-1318

**6. EXACT PLANT LOCATION**

Two miles north of Soda Springs, Idaho, on Highway 34

**COUNTY**

Caribou

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Elemental phosphorus production

**8. PERMIT AUTHORITY**

This permit is issued according to the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.400 through 410, and pertains only to emissions of air contaminants regulated by the state of Idaho and to the sources specifically allowed to be operated by this permit.

This permit has been granted on the basis of design information presented with its application. Changes in design, equipment or operations may be considered a modification. Modifications are subject to DEQ review in accordance with IDAPA 58.01.01.200 through 228 of the Rules for the Control of Air Pollution in Idaho.

CAROLE ZUNDEL, PERMIT WRITER  
DEPARTMENT OF ENVIRONMENTAL QUALITY

MIKE SIMON, STATIONARY SOURCE PROGRAM MANAGER  
DEPARTMENT OF ENVIRONMENTAL QUALITY

**Date Issued:**

November 17, 2009

**Date Modified/Revised:**

**Date Expires:**

November 17, 2014

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## Acronyms, Units, and Chemical Nomenclature

|                  |  |
|------------------|--|
| AQCR             | Air Quality Control Region   |
| BART             | Best available retrofit technology   |
| CFR              | Code of Federal Regulations  |
| DEQ              | Department of Environmental Quality  |
| EPA              | U.S. Environmental Protection Agency   |
| IDAPA            | a numbering designation for all administrative rules in Idaho promulgated in accordance with the Idaho Administrative Procedures Act |
| km               | kilometers   |
| lb/hr            | pounds per hour  |
| LCDA             | lime concentrated dual alkali  |
| NAICS            | North American Industry Classification System  |
| O&M              | operations and maintenance   |
| PM               | particulate matter   |
| PM <sub>10</sub> | particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers                                       |
| SIC              | Standard Industrial Classification   |
| SO <sub>2</sub>  | sulfur dioxide   |
| T/yr             | tons per year  |
| UTM              | Universal Transverse Mercator  |

## 1. TIER II OPERATING PERMIT SCOPE

### ***Purpose***

- 1.1 The purpose of this permit is to establish permit requirements as required in 40 CFR 51.308(e) and IDAPA 58.01.01.668 for Best Available Retrofit Technology (BART).

### ***Regulated Sources***

- 1.2 Table 1.1 lists all sources of regulated emissions in this permit.

**Table 1.1 REGULATED SOURCES**

| <b>Permit Section</b> | <b>Source Description</b> | <b>Emissions Control</b>   |
|-----------------------|---------------------------|--|
| 2.0                   | Kiln                      | Four parallel Hydro-Sonic scrubbers<br>SO <sub>2</sub> scrubbing system (LCDA) |

## **2. PHOSPHATE ORE NODULIZING KILN**

### **2.1 Process Description**

Phosphate ore must be nodulized in a rotary kiln in preparation for use in the furnace feedstock. Blended ore is added to the kiln where it is heated to the point of incipient fusion. The tumbling action of the kiln causes the ore to agglomerate into balls referred to as raw nodules. These raw nodules pass through a cooling and crushing process. A portion of the resulting raw nodules is routed directly into the nodule crushing and screening process while the remainder of the raw nodules is stockpiled for future use. The kiln's exhaust gas is routed through an emission control system that includes a dust knockout chamber for large particulate removal, a spray tower used to capture soluble gases and fine particulate matter, and four parallel hydrosonic scrubbing systems that remove submicron dust particles and entrained particulate-laden water. The nodule cooling process generates both point and fugitive particulate matter that is controlled by a wet scrubbing system.

### **2.2 Emission Control Description**

P4 Production's phosphate ore nodulizing kiln has particulate emissions, including polonium-210, and SO<sub>2</sub> emissions. The particulate emissions are controlled by a dust knockout chamber, North spray tower, eight parallel cyclonic separators, four parallel Hydro-Sonic scrubbers and demisters, and SO<sub>2</sub> scrubbing system. A spray tower controls emissions from the nodule cooler. The kiln SO<sub>2</sub> emissions are controlled by a lime concentrated dual alkali (LCDA) SO<sub>2</sub> scrubbing system. This system consists of Hydro-Sonic scrubbers that absorb SO<sub>2</sub> with a solution of sodium salts. Some sodium sulfate is produced. The spent solution of sodium sulfite/bisulfite/sulfate is continuously withdrawn to a dual-reactor system, where it is reacted with hydrated lime. The lime regenerates the scrubbing solution and precipitates calcium sulfite/sulfate solids. The solids are removed from the system through thickening and filtration, and the regenerated solution is returned to the scrubber as feed material. The LCDA installation includes raw material storage tanks, two reactor tanks, thickener/clarifier, filtration (feed tank with vacuum filtering process), and a double lined landfill with leachate collection.

**Table 2.1 KILN DESCRIPTION**

| <b>Emissions Unit(s) / Process(es)</b> | <b>SO<sub>2</sub> Emissions Control Device</b>                               |
|--|--|
| Kiln                                   | Four parallel Hydro-Sonic scrubbers<br>LCDA SO <sub>2</sub> scrubbing system |

### ***Emissions Limits***

#### **2.3 BART 40 CFR 51.308(e) Emission Limits**

Emissions from the kiln shall not exceed 143 lb/hr, on a three-hour average, of SO<sub>2</sub> in accordance with 40 CFR 51.308(e).

### ***Operating Requirements***

#### **2.4 BART 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05 pH Limit**

The one-hour average pH of the scrubbing solution measured in the recirculation tank shall not be less than 6.1 in accordance with 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05.



## ***Monitoring and Recordkeeping Requirements***

### **2.5 BART 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05 Hydrosonic and LCDA Scrubbing System Operation**

The hydrosonic and LCDA scrubbing system shall be operated any time the kiln is in operation in accordance with 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05 .

### **2.6 BART 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05 pH Monitoring Requirement**

The permittee shall monitor and record the pH of the scrubbing solution measured in the recirculation tank at least once per hour when the system is operating in accordance with 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05. The record shall be kept at the facility for the most recent five-year period and shall be made available to Department representatives upon request.

### **2.7 BART 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05 Operations and Maintenance Manual**

Within 60 days after startup, the permittee shall have developed an O&M manual for the hydrosonic scrubber system and the LCDA system which describes the procedures that will be followed to comply with General Provision 2 for these systems in accordance with 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05. The manual shall be updated as needed to reflect any change in operating parameters, including scrubber solution flow rate and pressure drop across the scrubber, from the most recent performance test that demonstrated compliance. This manual shall remain onsite at all times and shall be made available to Department representatives upon request.

### **2.8 BART 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05 SO<sub>2</sub> Performance Tests for Kiln Hydro Sonics**

The permittee shall conduct performance tests to measure SO<sub>2</sub> emissions from the kiln Hydro Sonics scrubber stacks according to the schedule in this permit condition. The performance testing will be conducted to demonstrate compliance with the emission rate limits listed in Permit Condition 2.3 in accordance with 40 CFR 51.308(e)(1)(v) and IDAPA 58.01.01.668.05.

Each performance test shall be performed in accordance with IDAPA 58.01.01.157 and General Provision 6 of this permit. The following information shall be recorded during each performance test:

- Amount of kiln feed processed in the kiln, in tons per hour
- Pressure drop across the scrubber
- Scrubber solution flow rate
- pH in the recirculation tank

After the initial performance test, future testing shall be performed according to the following schedule. If the SO<sub>2</sub> emission rate measured in the most recent test is less than or equal to 75% of the applicable emission standard in Permit Condition 2.3, the next test shall be conducted within five years of the test date. If the SO<sub>2</sub> emission rate measured during the most recent performance test is greater than 75%, but less than or equal to 90%, of the emission standard in Permit Condition 2.3, the next test shall be conducted within two years of the test date. If the SO<sub>2</sub> emission rate measured during the most recent performance test is greater than 90% of the emission standard in Permit Condition 2.3, the next test shall be conducted within one year of the test date.

### **3. TIER II PERMIT TO OPERATE GENERAL PROVISIONS**

#### ***General Compliance***

1. The permittee has a continuing duty to comply with all terms and conditions of this permit. All emissions authorized herein shall be consistent with the terms and conditions of this permit and the Rules for the Control of Air Pollution in Idaho. The emissions of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the Rules for the Control of Air Pollution in Idaho, and the Environmental Protection and Health Act, Idaho Code §39-101, et seq.  
[Idaho Code §39-101, et seq.]
2. The permittee shall at all times (except as provided in the Rules for the Control of Air Pollution in Idaho) maintain in good working order and operate as efficiently as practicable, all treatment or control facilities or systems installed or used to achieve compliance with the terms and conditions of this permit and other applicable Idaho laws for the control of air pollution.  
[IDAPA 58.01.01.405, 5/1/94]
3. Nothing in this permit is intended to relieve or exempt the permittee from the responsibility to comply with all applicable local, state, or federal statutes, rules and regulations.  
[IDAPA 58.01.01.406, 5/1/94]

#### ***Inspection and Entry***

4. Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:
  - a. Enter upon the permittee's premises where an emissions source is located or emissions related activity is conducted, or where records are kept under conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - d. As authorized by the Idaho Environmental Protection and Health Act, sample or monitor, at reasonable times, substances or parameters for the purpose of determining or ensuring compliance with this permit or applicable requirements.  
[Idaho Code §39-108]

#### ***Construction and Operation Notification***

5. The permittee shall furnish DEQ written notifications as follows:
  - a. A notification of the date of initiation of construction, within five working days after occurrence;
  - b. A notification of the date of any suspension of construction, if such suspension lasts for one year or more;
  - c. A notification of the anticipated date of initial start-up of the stationary source or facility not more than sixty days or less than thirty days prior to such date;
  - d. A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date; and
  - e. A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date.  
[IDAPA 58.01.01.405, 5/1/94]

## ***Performance Testing***

6. If performance testing (air emissions source test) is required by this permit, the permittee shall provide notice of intent to test to DEQ at least 15 days prior to the scheduled test date or shorter time period as approved by DEQ. DEQ may, at its option, have an observer present at any emissions tests conducted on a source. DEQ requests that such testing not be performed on weekends or state holidays.

All performance testing shall be conducted in accordance with the procedures in IDAPA 58.01.01.157. Without prior DEQ approval, any alternative testing is conducted solely at the permittee's risk. If the permittee fails to obtain prior written approval by DEQ for any testing deviations, DEQ may determine that the testing does not satisfy the testing requirements. Therefore, at least 30 days prior to conducting any performance test, the permittee is encouraged to submit a performance test protocol to DEQ for approval. The written protocol shall include a description of the test method(s) to be used, an explanation of any or unusual circumstances regarding the proposed test, and the proposed test schedule for conducting and reporting the test.

Within 30 days following the date in which a performance test required by this permit is concluded, the permittee shall submit to DEQ a performance test report. The written report shall include a description of the process, identification of the test method(s) used, equipment used, all process operating data collected during the test period, and test results, as well as raw test data and associated documentation, including any approved test protocol.

[IDAPA 58.01.01.157, 4/5/00]

## ***Monitoring and Recordkeeping***

7. The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Records of monitoring information shall include, but not be limited to the following: (a) the date, place, and times of sampling or measurements; (b) the date analyses were performed; (c) the company or entity that performed the analyses; (d) the analytical techniques or methods used; (e) the results of such analyses; and (f) the operating conditions existing at the time of sampling or measurement. All monitoring records and support information shall be retained for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Supporting information includes, but is not limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation and copies of all reports required by this permit. All records required to be maintained by this permit shall be made available in either hard copy or electronic format to DEQ representatives upon request.

[IDAPA 58.01.01.405, 5/1/94]

## ***Excess Emissions***

8. The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions due to startup, shutdown, scheduled maintenance, safety measures, upsets and breakdowns.

[IDAPA 58.01.01.130-136, 4/5/00]

## ***Certification***

9. All documents submitted to DEQ, including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certification shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.

[IDAPA 58.01.01.123, 5/1/94]

### ***False Statements***

10. No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit, or any applicable rule or order in force pursuant thereto.  
[IDAPA 58.01.01.125, 3/23/98]

### ***Tampering***

11. No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.  
[IDAPA 58.01.01.126, 3/23/98]

### ***Expiration and Renewal***

12. This permit shall be renewable on the expiration date, provided the permittee submits an application for renewal to the Department and continues to meet all terms and conditions contained in the permit. The expiration of this permit will not affect the operation of the stationary source of facility during the administrative procedure period associated with the permit renewal process.  
[IDAPA 58.01.01.404.04, 7/1/02]

### ***Transferability***

13. This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.404.05.  
[IDAPA 58.01.01.404.05, 4/11/06]