



Request for Coverage under the General Air Quality Permit for New or Modified Minor Source Stone Quarrying, Crushing, and Screening Facilities in Indian Country

Technical Support Document

Permittee: Sunroc Corporation dba Depatco, Inc.
730 N 1500 W
Orem, UT 84057

Project Name: Sunroc Stone Quarrying, Crushing and Screening Facility

Location: Depatco
1850 Tank Farm Road
Pocatello, Idaho
Power County
Fort Hall Reservation
Latitude: 42.9265° N; Longitude: 112.5476° W

Source Contact: Kamren Garfield, Environmental Specialist
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Date: May 15, 2023

Permit #: R10TNSR03300

Background

The Clean Air Act provides the U.S. Environmental Protection Agency with broad authority to protect air resources throughout the nation, including air resources in Indian Country. In 2011, the EPA finalized the Tribal New Source Review Rule, codified at 40 CFR Part 49, as part of a Federal Implementation Plan to protect tribal air resources from impacts due to the construction of new or modified stationary sources of air pollutants where there is no EPA-approved NSR program. 76 Fed. Reg. 38748 (July 1, 2011). Among other requirements, the Tribal NSR Rule set forth procedures and terms under which the Agency would administer a minor NSR permitting program in Indian Country. As part of the Tribal NSR Rule, the EPA adopted the option of developing general permits for certain categories of minor sources to which the Tribal NSR Rule would apply. See 40 CFR 49.156. The purpose of a general permit is to provide for the protection of air quality while simplifying the permit issuance process for similar facilities in order to minimize the burden on the reviewing authority and the regulated sources. The EPA finalized the General Air Quality Permit for New or Modified Minor Source Stone Quarrying, Crushing, and Screening (SQCS General Permit) in Indian Country effective June 1, 2015 (80 Fed. Reg. 25068 (May 1, 2015)). New and modified minor sources that are true minor sources or major sources seeking to become synthetic minor sources may apply for coverage under the SQCS General Permit if the emission increase for new, modified, and existing units is below major source thresholds and the source can meet the throughput limits and other terms and conditions set forth in the General Permit.

Sources seeking coverage under this General Permit must also demonstrate that they meet certain additional eligibility criteria.

This Technical Support Document describes Region 10's analysis of the Applicant's Request for Coverage for the Project and our determinations concerning this request.

Request for Coverage under Stone Quarrying, Crushing, and Screening General Permit

On October 11, 2022, Region 10 received an initial Request for Coverage under the SQCS General Permit from Sunroc Corporation dba Depatco Inc. (Sunroc) to construct and operate a Stone Quarrying, Crushing, and Screening (SQCS) operation co-located with a Hot Mix Asphalt (HMA) plant synthetic minor source on the Fort Hall Reservation (the Project) at the Depatco pit in Pocatello, Idaho. The Request for Coverage was certified and signed as being true and accurate by Mark Elder, President, on October 05, 2022.

Sunroc will co-locate the SQCS plant with an existing HMA plant, owned and operated by Sunroc. The SQCS plant may produce crushed rock prior to or during operation of the HMA plant. Sunroc is considered the "Applicant" and the "Permittee" for the Project.

Approval of Request for General Permit Coverage

Based on a review of and reliance on all of the information and representations provided in the Request for Coverage and other relevant information, Region 10 has determined that the Project qualifies for coverage under the SQCS General Permit because it meets all of the required criteria. In particular, and as further described below:

- The Project is for a synthetic minor SQCS plant co-located with a HMA plant that produces hot mix asphalt and is located within Indian Country.
- The Project is located in an attainment, unclassifiable or attainment/unclassifiable area for all National Ambient Air Quality Standards (NAAQS) pollutants except for PM10.
- The Project is located in the Fort Hall nonattainment area for PM10.
- The projected monthly throughput of rock, stone, sand, gravel, and aggregate to be processed is 500,000 tons per month. The project will be co-located with a HMA plant and will comply with conditions 16, 17, 18 and 19.e of the SQCS General Permit.
- The projected monthly usage of diesel fuel for all stationary combustion sources is 18,275 gallons per month. The project will be co-located with a HMA plant and will comply with condition 19.e of the SQCS General Permit.
- The plant will only use diesel and biodiesel in the stationary internal combustion engines.
- Diesel and biodiesel shall contain no more than 0.0015 percent sulfur by weight.
- Emissions from all crushers, screens, drop points, and other possible release points are to be controlled by wet suppression.
- The Applicant has met the eligibility criteria related to federally-listed species and has completed the screening process for historic properties in the HMA plant General Permit application approved on February 09, 2022.
- This Approval and the SQCS General Permit authorize the Permittee to operate the Project within the exterior boundaries of the Fort Hall Reservation at the location described on page 1 of this TSD. Region 10's review with respect to the criteria is discussed in more detail below

Project Description

The J.K. Merrill & Sons Pit was an active quarry owned by the J.K. Merrill & Sons company. Sunroc after purchasing this quarry proposes to construct (locate) and operate a SQCS facility as a stationary source at the quarry. The SQCS plant general permit will rescind a synthetic minor New Source Review permit issued to J.K. Merrill and Sons to operate at this site.

Sunroc SQCS Plant: Affected Emission Units Covered by this Approval

ID	Description of Affected Emission Units	Controls
GEN01	IC Engine: Caterpillar Model 3512 Engine; 1818 hp maximum capacity crusher generator; diesel fired, manufactured in 1996.	Oxidation Catalyst/Ultra Low Sulfur Diesel
GEN02	IC Engine: Caterpillar Model 3406 Engine; 587 hp maximum capacity wash plant generator; diesel fired, manufactured in 2005.	Oxidation Catalyst/Ultra Low Sulfur Diesel
CRU01	Jaw Crusher: 500 ton/hour capacity	Water Spray
CRU02	Cone-Screen Combination Plant: 500 ton/hour capacity	Water Spray
CRU03	Cone-Screen Combination Plant: 500 ton/hour capacity	Water Spray
SCR001	Screening: Dry screening 500 ton/hour capacity	Water Spray
SCR002	Screening: Dry screening 500 ton/hour capacity	Water Spray
WASH01	Wash Plant Screen: Wet screening 500 ton/hour capacity	Saturation
CON01	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON02	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON03	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON04	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON05	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON06	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON07	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON08	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON09	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON10	Conveyor: 500 ton/hour capacity	Upstream Wetting
CON11	Conveyor: 500 ton/hour capacity	Upstream Wetting

CON12	Conveyor: 500 ton/hour capacity	Saturation
CON13	Conveyor: 500 ton/hour capacity	Saturation
CON14	Conveyor: 500 ton/hour capacity	Saturation
CON15	Conveyor: 500 ton/hour capacity	Saturation
CON16	Conveyor: 500 ton/hour capacity	Saturation
FDR01	Feed Bin: 500 ton/hour capacity	Upstream Wetting
FDR02	Feed Bin: 500 ton/hour capacity	Upstream Wetting
STKR01	Stacker: 500 ton/hour capacity	Upstream Wetting
STKR02	Stacker: 500 ton/hour capacity	Upstream Wetting
STKR03	Stacker: 500 ton/hour capacity	Upstream Wetting
STKR04	Stacker: 500 ton/hour capacity	Saturation
STKR05	Stacker: 500 ton/hour capacity	Saturation
STKR06	Stacker: 500 ton/hour capacity	Saturation
TNK01	Diesel Storage Tank: 19,000 gallon capacity storage tank	None
TNK02	Diesel Storage Tank: 12,000 gallon capacity storage tank	None
TNK03	Diesel Storage Tank: 12,000 gallon capacity storage tank	None

Ambient Air Quality

The geographic area where the Project will be located is designated attainment or attainment/unclassifiable under the CAA for all criteria pollutants except for PM₁₀. The Project will be located in an area that is legally designated as a moderate PM₁₀ nonattainment area¹. Region 10 determined in 2010² through PM₁₀ monitoring that the area has attained the NAAQS, but until the area has been redesignated as in attainment, the area is still treated as nonattainment for air permitting purposes.

The SQCS General Permit contains limits on emissions and operations sufficient to ensure that the SQCS plant is not a major source and to ensure that emissions would not cause or contribute to a violation of any NAAQS (80 Fed. Reg. at 25085, under typical conditions). The EPA recognizes operations in compliance with the SQCS General Permit would generally not cause or contribute to a NAAQS or PSD increment violation.

Emissions

A source in an attainment area must obtain a major source construction permit if its emissions of regulated NSR pollutants will be greater than 100 tons per year for listed source categories and 250 tons per year for non-listed categories. A source in an attainment area must obtain a major source operating permit if its emissions will be greater than 100 tons per year for regulated pollutants and 250 tons per year for PM. A source must obtain a minor NSR permit if its emissions are less than the major source construction permitting thresholds, but more than the minor NSR permitting thresholds in the table below. The minor NSR permitting thresholds are more restrictive (lower) for sources locating in a nonattainment area, as specified in the table. Permit limitations, also called synthetic minor limits, are considered in determining whether a source will be a major source.

Tribal Minor NSR Permitting Thresholds (tons per year)

Pollutant	Nonattainment Areas	Attainment Areas
CO	5	10
NOx	5	10
SO ₂	5	10
VOC	2	5
PM	5	10
PM ₁₀	1	5
PM _{2.5}	0.6	3
Lead	0.1	0.1
Fluorides	NA	1
Sulfuric acid mist	NA	2

¹ Refer to <https://www3.epa.gov/airquality/greenbook/ancl.html>. Power County is within the Fort Hall PM₁₀ nonattainment area.

² <https://www.federalregister.gov/documents/2010/07/28/2010-18564/determination-of-attainment-for-pm-10-fort-hall-pm-10-nonattainment-area-idaho>

Hydrogen sulfide	NA	2
Total reduced sulfur	NA	2
Reduced sulfur compounds	NA	2

A new or modified source that is required to obtain a minor NSR permit may qualify for coverage under a minor NSR general permit in lieu of obtaining a site-specific permit. To qualify for the General Permit, the new or modified source must meet the eligibility criteria in the Request for Approval (see the Approval of Request for General Permit Coverage section above) and be able to comply with the limitations in the General Permit. If a new or modified source does not meet the specified criteria or cannot comply with the limitations in the General Permit, the source does not qualify for coverage under the General Permit and must apply for a site-specific minor NSR permit or other applicable NSR permit.

The SQCS General Permit includes enforceable physical or operational limitations on the maximum capacity of the source to emit air pollutants, including air pollution control equipment and restrictions on the type or amount of material combusted, stored, or processed. The permit is designed to ensure emissions remain below the major source construction and operating permit thresholds. The SQCS General Permit also contains specific requirements for sources located in PM₁₀ nonattainment areas. When an SQCS plant is co-located (two operations functioning as one source at the same location) with a HMA facility, emissions from both sources must be totaled to determine the applicable permitting program. Both SQCS and HMA general permits include special limitations that apply to co-located sources to ensure that the total emissions from both operations are less than the major source permitting thresholds.

The potential emissions contained in the table below are based on the material throughput limits and fuel consumption limitations for co-located SQCS plants and HMA plants that are specified in the respective general permits and assume compliance with those limitations. For more information about how these emissions were calculated, please see the [Background Document: General Air Quality Permit for New or Modified Minor Source Hot Mix Asphalt Plants in Indian Country \(Final\) \(PDF\)\(25 pp, 857 K, 03/23/15\)](https://www.epa.gov/sites/production/files/2016-03/23/15) at <https://www.epa.gov/sites/production/files/2016-05/documents/hotmixasphaltbackgrounddocument.pdf>.

HMA Plant (Controlled) Potential to Emit Summary

Process	Pollutant (tons/year)						
	PM	PM ₁₀	PM _{2.5}	SO ₂	NO _x	CO	VOC
Co-located HMA Plant and SQCS Plant	86	63	30	18	90	78	27

The Sunroc SQCS plant has not been source tested so will require testing, as required under the General Permit. Initial performance tests will be required for the fugitive emissions from SQCS operations to verify compliance with condition 21 of the General Permit, and for the generators to verify compliance with condition 24 of the General Permit. As specified in Condition 29 and 31 of the General Permit, within 60 days after achieving the maximum production rate at which the permitted source will operate but not later than 180 days after the first day of operation after receiving coverage under the General Permit, Sunroc shall perform an initial performance test of the SQCS operations to verify compliance with the applicable emission limitations in the General Permit.

Listed Species-Related Eligibility Criteria

The EPA developed eligibility criteria related to species that are listed as endangered or threatened under the federal Endangered Species Act that applicants must satisfy to qualify for coverage under the SQCS General Permit. Sunroc's HMA General Permit application (Permit # R10TNSR02700) issued on 02-09-2022, has Appendix A to the Request for Coverage form for the HMA General Permit and provides detailed screening procedures for applicants to follow to assess the potential impacts of their sources on federally-listed species and their critical habitat. To be eligible for coverage under a General Permit, sources must demonstrate that they have satisfactorily completed the screening procedures and that they meet one of the species-related eligibility criteria, provide sufficient documentation supporting the criterion selected and obtain confirmation from the EPA that they have done so.

The Applicant's Request for Coverage in its HMA General Permit application states that the Project meets Criterion A of Appendix A with respect to listed species protection (no federally-listed threatened or endangered species or designated critical habitats). As evidence, the Applicant provided a letter from the USFWS's Information for Planning and Consultation center dated July 29, 2021. The USFWS letter provided indicates there are no threatened, endangered, or candidate species in the immediate area of the project and no critical habitat for any species. R10 confirmed there are no endangered species or critical habitat listed for this area through the USFWS website. R10 also confirmed the findings with USFWS Biologist Ryan Blackadar, who stated in an August 25, 2021, email to R10 that they "have not identified any conflicts with any species federally listed as threatened or endangered, or proposed for listing, under the Endangered Species Act." R10 also confirmed the findings with NOAA National Marine Fisheries Service biologist Bob Ries, who stated in a November 2, 2021, email that there were no listed species or critical habitat in the region of the source.

After review and consideration of this information, Region 10 agreed that the Applicant has completed the species-related screening procedures and has demonstrated by providing the appropriate information and documentation that the proposed Project meets Criterion A of the listed species-related eligibility criteria for coverage under the HMA General Permit. Per Appendix A of the Request for Coverage, the HMA plant would meet Criterion A because there are no federally-listed threatened or endangered species or designated critical habitat of such species within the action area of the project. This determination has been applied as the basis for the SQCS project meeting Criterion A for coverage under the SQCS General Permit.

Historic Properties-Related Eligibility Criteria

The EPA engaged in the National Historic Preservation Act Section 106 process when the HMA General Permit (Permit # R10TNSR02700) was issued. Requests for approval under the General Permit are not subject to NHPA Section 106 but are subject to the NHPA screening requirements in Appendix B of the Request for Coverage. The EPA developed the screening process in Appendix B of the Request for Coverage to enable source owners/operators to appropriately consider the potential impacts, if any, resulting from the construction, modification, and/or operation of a new or modified emission source on historic properties that are either listed on or eligible for listing on the National Register of Historic Places and, if applicable, determine whether actions can be taken to mitigate any such impacts. To be eligible for coverage under the HMA General Permit, sources must demonstrate that they have satisfactorily completed the screening procedures and that they meet one of the historic property-related eligibility criteria, provide sufficient documentation supporting the criterion selected and obtain confirmation from the EPA that they have done so.

With respect to the Project, the Applicant in its HMA General Permit application (Permit # R10TNSR02700) indicated in the Request for Coverage that the screening process in Appendix B of the Request for Coverage form had been completed to determine if the construction, modification, or operation of the Project has the potential to cause effects to historic properties. The Request for Coverage indicated that no historic properties or cultural resources would be affected by the Project because it is to be located in the previously disturbed portions of the pit and no additional disturbance is necessary for the Project.

Also, it can be noted, the Project replaced an earlier HMA plant at the J.K. Merrill pit permitted to operate under coverage of the HMA General Permit in 2018 (permit #R10TNSR01500). When this permit was issued, Region 10 and the Shoshone-Bannock Tribes Tribal Historic Preservation Officer (THPO) concluded the original HMA would not impact cultural resources or historic properties.

On the Fort Hall Reservation, the Shoshone-Bannock THPO is the lead for the historical preservation program. Region 10 contacted Carolyn Smith, Cultural Resources Coordinator of the Shoshone- Bannock Tribes and THPO, to verify the Project was unlikely to cause any concern for impacts to cultural resources. Ms. Smith sent a letter to Sunroc, dated September 13, 2021, providing a set of questions and concerns regarding the project's possible impacts to tribal cultural resources and environmental health. Region 10 understands Sunroc discussed the concerns with the tribe and answered the tribes' questions. The tribes sent an email to Sunroc on October 11, 2021, indicating they had no further comments or questions regarding the project.

Region 10 had concluded that the Project met the historic property-related eligibility criteria "no historic properties affected" and that the Project is consistent with the historic property-related eligibility criterion for coverage under the HMA General Permit.

Environmental Justice

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States.

The EPA believes the human health or environmental risk associated with this action will not have disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. The EPA's primary goal in developing the SQCS General Permit was to ensure that air resources in Indian Country will be protected in the manner intended by the CAA. The SQCS General Permit will limit adverse impacts by restricting operations and emissions. In addition, the SQCS General Permit is part of a flexible preconstruction permitting program for minor sources in Indian Country that is comparable to similar programs in neighboring states in order to create a more level regulatory playing field for owners and operators within and outside of Indian Country. The SQCS General Permit reduces an existing disparity by filling the regulatory gap.

As explained above, the general permit was designed to be protective of the NAAQS, and Region 10 therefore believes that the SQCS General Permit is appropriately protective of the NAAQS with respect to the Project. Compliance with the NAAQS is emblematic of achieving a level of public health protection that demonstrates that a proposed facility will not have a disproportionately high and adverse human health or environmental effects on minorities or low-income populations. See, e.g., *In re Shell Offshore Inc.*, 13

E.A.D. 357, 404-5 (EAB 2007).

Tribal Consultation

Region 10 sent a letter to the Chairman of the Shoshone-Bannock Tribal Council on April 20, 2023, offering an opportunity for consultation on this EPA permitting action. The EPA did not receive a request for formal consultation associated with this Project.

Public Participation

As described in 40 CFR 49.157, issuance of general permits pursuant to the Tribal NSR Rule must meet public participation requirements. Before issuing a permit under the Tribal NSR program, the EPA must prepare a draft permit and must provide adequate public notice to ensure that the affected community and the general public have access to the draft permit information. The public notice must provide an opportunity for a 30-day public comment period and notice of a public hearing, if any, on the draft permit.

In contrast, a 30-day public comment period under 40 CFR 49.157 is not required for an approval of a request for coverage of a particular source under a General Permit. Region 10 posted the request for coverage on its website on May 16, 2023, prior to the issuance of any decision to approve or deny the request for coverage and requested the public to submit any concerns about the applicant's eligibility to construct under the General Permit. Region 10's air permits website can be found at: <https://www.epa.gov/caa-permitting/caa-permitting-epas-pacific-northwest-region>.

Region 10's Approval of the Request for Coverage for the Project is a final agency action for purposes of judicial review only for the issue of whether the Project is eligible for coverage under the SQCS General Permit (see 40 CFR 49.156(e)(6)). Any petition for review of this approval action must be filed in the United States Court of Appeals for the appropriate circuit pursuant to CAA section 307(b)