



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

C.L. "Butch" Otter, Governor  
Toni Hardesty, Director

December 17, 2009

Dave Lynch  
Corporate Operations Officer  
Western States Asphalt  
4303 Gekeler Lane  
Boise, Idaho 83716

RE: Facility ID No. 001-00049, Western States Asphalt, Boise  
Change of Ownership Letter, Project No. O-2009.0126

Dear Mr. Lynch:

The Department of Environmental Quality (DEQ) is issuing Tier II Operating Permit No. T2-2009.0057 to Western States Asphalt for Project No. O-2009.0126 regarding the change of ownership from SemMaterials Energy Partners, LLC, for the facility located at Boise, in accordance with IDAPA 58.01.01.400 through 406, Rules for the Control of Air Pollution in Idaho (Rules).

The enclosed Tier II operating permit is based on the information contained in the permit issued to SemMaterial Energy Partners, LLC on June 30, 2009, and the request received on October 1, 2009 from Jerry Parsons, Executive Vice-President – Asphalt Operations for SemMaterial Energy Partners, LLC. The enclosed Tier II operating permit reflects the responsible official name change and facility name change throughout the permit and statement of basis. This Tier II permit is effective immediately. This permit does not release Western States Asphalt from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances. Please note that this permit expires five years after the issuance date.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with Tom Krinke, Air Quality Compliance Officer, at 208-373-0550 to review and discuss the terms and conditions of this permit. Should you choose to schedule this meeting, DEQ recommends the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other staff responsible for day-to-day compliance with permit conditions.

Pursuant to IDAPA 58.01.23, you, as well as any other entity, may have the right to appeal this final agency action within 35 days of the date of this decision. However, prior to filing a petition for a contested case, I encourage you to contact Robert Baldwin at 208-373-0502 or [robert.baldwin@deq.idaho.gov](mailto:robert.baldwin@deq.idaho.gov) to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Simon".

Mike Simon  
Stationary Source Manager  
Air Quality Division

MS/REB/fw

Permit No. O-2009.0126



**Air Quality  
TIER II OPERATING PERMIT**

**State of Idaho  
Department of Environmental Quality**

**PERMIT No.:** T2-2009.0057

**FACILITY ID No.:** 001-00049

**AQCR:** 64    **CLASS:** B    **ZONE:** 11

**SIC:** 2951

**NAICS:** 324121

**UTM COORDINATE (km):** 565.3, 4823.7

**1. PERMITTEE**

Western States Asphalt

**2. PROJECT**

Boise Asphalt Terminal, Tier II Permit Revision – Ownership change

**3. MAILING ADDRESS**

4303 Gekeler Lane

**CITY**

Boise

**STATE**

ID

**ZIP**

83716

**4. FACILITY CONTACT**

Tim Folwell

**TITLE**

Plant Manager

**TELEPHONE**

208-345-2538

**5. RESPONSIBLE OFFICIAL**

Dave Lynch

**TITLE**

Corporate Operations Officer

**TELEPHONE**

509-487-4560

**6. EXACT PLANT LOCATION**

4303 Gekeler Lane, Boise, Idaho

**COUNTY**

Ada

**7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS**

Asphalt, Asphalt Emulsions, Asphalt Cutback

**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.

**ROBERT BALDWIN, PERMIT WRITER  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**MIKE SIMON, STATIONARY SOURCE PROGRAM MANAGER  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

<b>Date Issued:</b>	July 1, 2008
<b>Date Modified/Revised:</b>	December 4, 2009
<b>Date Expires:</b>	July 1, 2013

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## Acronyms, Units, and Chemical Nomenclature

AFS	AIRS Facility Subsystem
AIRS	Aerometric Information Retrieval System
AC	asphalt cement
AE	asphalt emulsion
AQCR	Air Quality Control Region
Btu	British thermal unit
CFR	Code of Federal Regulations
CO	carbon monoxide
DEQ	Department of Environmental Quality
EC	emulsion cutback
EPA	U.S. Environmental Protection Agency
gal	gallons
gal/yr	gallons per year
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
MMBtu/hr	million British thermal units per hour
NO <sub>x</sub>	nitrogen oxides
NSPS	New Source Performance Standards
PM	particulate matter
PM <sub>10</sub>	particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers
scf	standard cubic feet
SIC	Standard Industrial Classification
SM	synthetic minor
SO <sub>2</sub>	sulfur dioxide
therm	unit equivalent to 100,000 Btu
T/yr	tons per year
UTM	Universal Transverse Mercator
VOC	volatile organic compound
VOL	volatile organic liquid

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

<b>Permittee:</b>	Western States Asphalt	<b>Facility ID No.</b> 001-00049
<b>Location:</b>	Boise, Idaho	

**1. TIER II OPERATING PERMIT SCOPE**

**Purpose**

- 1.1 The purpose of this permit revision is to reflect a change in ownership.
- 1.2 This permit is a Tier II operating permit revision.
- 1.3 This Tier II operating permit front page revision replaces the following permit's front page and name change in the headers, the terms and conditions of the permit remain unchanged:
  - Tier II Operating Permit No. T2-2008.0039, issued June 30, 2009.

**Regulated Sources**

- 1.4 Table 1.1 lists all sources of regulated emissions in this permit. This description is for informational purposes only.

**Table 1.1 SUMMARY OF REGULATED SOURCES**

<b>Permit Section</b>	<b>Source Description</b>	<b>Emissions Control Measures</b>
<b>Point Sources</b>		
3	Tank No. 1, Asphalt Cement; 2,121,00 gallons (gal)	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 2, Asphalt Cement; 1,071,000 gal	
3	Tank No.3, Chemical Storage; 7,500 gal	Product throughput limits
3	Tank No. 4, Polymer Modified Asphalt Cement; 105,800 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 5, Polymer Modified Asphalt Cement; 105,800 gal	
3	Tank No. 6, Polymer Modified Asphalt Cement; 105,800 gal	Product throughput limits.
3	Tank No. 7, Polymer Modified Asphalt Cement; 105,800 gal	Sulfa Treat system for odors.
3	Tank No. 8, Polymer Modified Asphalt Cement; 50,900 gal	Product throughput limits.
3	Tank No. 9, Polymer Modified Asphalt Cement; 105,800 gal	Sulfa Treat system for odors.
3	Tank No. 10, Distillate Oil; 13,500 gal	Product throughput limits
3	Tank No. 11, Chemical Storage; 11,800 gal	
3	Tank No. 12, Chemical Storage; 50,200 gal	Product throughput limits.
3	Tank No. 13, Polymer Modified Asphalt Cement; 105,800 gal	Sulfa Treat system for odors.
3	Tank No. 14, Asphalt Emulsion; 47,000 gal	Product throughput limits, Tanks No. 14 - 37
3	Tank No. 15, Asphalt Emulsion; 50,200 gal	
3	Tank No. 16, Asphalt Emulsion; 79,400 gal	
3	Tank No. 17, Asphalt Emulsion; 105,800 gal	
3	Tank No. 18, Asphalt Emulsion; 50,600 gal	
3	Tank No. 19, Asphalt Emulsion; 38,100 gal	
3	Tank No. 20, Asphalt Emulsion; 50,200 gal	
3	Tank No. 21, Asphalt Emulsion; 66,300 gal	
3	Tank No. 22, Asphalt Emulsion; 50,200 gal	
3	Tank No. 23, Asphalt Emulsion; 50,200 gal	

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

**Permittee:** Western States Asphalt

**Location:** Boise, Idaho

**Facility ID No. 001-00049**

Permit Section	Source Description	Emissions Control Measures
3	Tank No. 24, Asphalt Emulsion; 50,200 gal	
3	Tank No. 25, Asphalt Emulsion; 36,100 gal	
3	Tank No. 26, Asphalt Emulsion; 30,100 gal	
3	Tank No. 27, Asphalt Cement; 28,600 gal	
3	Tank No. 28, Distillate Oil; 24,100 gal	
3	Tank No. 29, Distillate Oil; 21,300 gal	
3	Tank No. 30, Hydrochloric Acid; 6,500 gal	
3	Tank No. 31, Tall Oil; 16,900 gal	
3	Tank No. 32, Chemical Storage; 6,000 gal	
3	Tank No. 33, Chemical Storage; 6,000 gal	
3	Tank No. 34, Chemical Storage; 10,000 gal	
3	Tank No. 35, Chemical Storage; 6,000 gal	
3	Tank No. 36, Chemical Storage; 10,600 gal	
3	Tank No. 37, Chemical Storage; 12,100 gal	
3	Tank No. 38, Asphalt Cement; 4,220,000 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 39, Distillate Oil; 13,500 gal	
3	Tank No. 40, Chemical Storage; 21,300 gal	Product throughput limits
3	Tank No. 41, Asphalt Emulsion; 16,900 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 42, Chemical Storage; 4,100 gal	
3	Tank No. 43, Chemical Storage; 8,800 gal	
3	Tank No. 44, Chemical Storage; 4,800 gal	
3	Tank No. 45, Chemical Storage; 8,800 gal	Product throughput limits
3	Tank No. 46, Phosphoric Acid; 6,000 gal	
3	Tank No. 47, Chemical Storage; 10,500 gal	
3	Tank No. 48, Polymer Modified Asphalt Cement; 192,500 gal	
3	Tank No. 49, Asphalt Cement; 1,322,000 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 50, Asphalt Cement; 1,322,000 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 51, Polymer Modified Asphalt Cement; 51,100 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 52, Chemical Storage; 9953 gal	
3	Tank No. 53, Chemical Storage; 7520 gal	Product throughput limits
4	Hot Oil Heater, 14.5 MMBtu/hr, natural gas-fired	
4	Boiler, Sellers Model 105E, 17 MMBtu/hr, serial no. 103787, natural gas-fired	Fuel throughput limit, no control devices
2	Reclaim Tank	
2	2 – Parts washers	
2	Emulsion Mill 1	
2	Emulsion Mill 2	
2	Asphalt reclaim pot	
2	Space Heater, 0.080 MMBtu/hr, natural gas-fired	no control device
2	Oil Heater, 0.300 MMBtu/hr, distillate oil-fired	no control device
2	Waste-oil burner	
2	QA/QC lab and associated equipment	

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

**Permittee:** Western States Asphalt

**Location:** Boise, Idaho

**Facility ID No. 001-00049**

<b>Permit Section</b>	<b>Source Description</b>	<b>Emissions Control Measures</b>
2	Process water tank	
<b>Fugitive VOC/Odor Emissions Sources</b>		
5	Truck Loading Rack 1; Asphalt Cement Loading Arm	Product throughput limits. Sulfa Treat system for odors.
5	Truck Loading Rack 2; Asphalt Cement Loading Arm	
5	Truck Loading Rack 3; Asphalt Cutback Loading Arm	
5	Truck Loading Rack 4; Asphalt Emulsion Loading Arm	Product throughput limits
5	Truck Loading Rack 5; Asphalt Emulsion Loading Arm	Product throughput limits
2	Equipment Fugitives (e.g., pumps, valves, flanges, connectors)	plant maintenance practices
2	Railcar Heating	no control devices
<b>Fugitive Dust Emissions Sources</b>		
2	Equipment used by maintenance crews	Reasonable Control of fugitive dust
2	Welding and cutting torches	Reasonable Control of fugitive dust
2	Plant vehicles	Reasonable Control of fugitive dust

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

<b>Permittee:</b>	Western States Asphalt	<b>Facility ID No. 001-00049</b>
<b>Location:</b>	Boise, Idaho	

**2. FACILITY-WIDE CONDITIONS**

***Fugitive Dust Emissions***

- 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, consideration 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 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.
- 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.

***Odors***

- 2.4 The permittee shall not allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids to the atmosphere in such quantities as to cause air pollution, in accordance with IDAPA 58.01.01.775.
- 2.5 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.

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<b>Permittee:</b>	Western States Asphalt
<b>Location:</b>	Boise, Idaho

**Facility ID No. 001-00049**

- 2.6 The permittee shall maintain and follow an Odor Management Plan which describes the methods and procedures that will be used and followed to comply with Permit Condition 2.4.
- The Odor Management Plan shall include detailed information including, but not limited to, the use of odor control technology.
    - With the exception of any written DEQ-approved alternative, the permittee shall install or integrate odor control technology to control odors from the asphalt facility. Use of any odor control technology shall be consistent with the manufacturer’s specifications and recommendations as described in the odor management plan.
    - The permittee shall maintain a copy of the odor control technology operating specifications and recommendations provided by the manufacturer, and shall incorporate these operating specifications and recommendations.
  - The Odor Management Plan shall include manufacturer recommendations and specifications for any odor control equipment used.
  - The Odor Management Plan, including all additions and revisions thereto, shall remain on site at all times and shall be made available to DEQ representatives upon request.

[06/30/09]

- 2.7 The permittee shall submit periodic reports to DEQ’s Boise Regional Office by January 15 and July 15 of each year, or per an alternative DEQ-approved schedule, summarizing the occurrences or non occurrences of odor complaints and the corrective actions taken in response to the complaints.

[06/30/08]

***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, NO<sub>x</sub>, and/or chlorine gas is the only reason for the failure of the emission to comply with the requirements of this section.

***Open Burning***

- 2.9 The permittee shall comply with the requirements of the Rules for Control of Open Burning, IDAPA 58.01.01.600-623.

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

<b>Permittee:</b>	Western States Asphalt	<b>Facility ID No.</b> 001-00049
<b>Location:</b>	Boise, Idaho	

**Reports**

2.10 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, Idaho 83706  
Phone: (208) 373-0550  
Fax: (208) 373-0287

**Fuel-burning Equipment**

2.11 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 gaseous fuel and 0.050 gr/dscf of effluent gas corrected to 3% oxygen by volume for liquid fuel.

**NSPS 40 CFR 60 Subpart A - General Provisions**

2.12 The permittee shall comply with the General Provisions of the New Source Performance Standards (NSPS), as set forth under 40 CFR 60 Subpart A for all of the affected facilities designated under 40 CFR 60.60. The Administrator in 40 CFR 60 Subparts Dc, K and Kb is DEQ, unless otherwise stated. Generally applicable requirements of Subpart A of the NSPS are summarized in the table in Appendix B. These summaries are provided to aid the permittee in understanding the general requirements and to highlight the notification and record keeping requirements of 40 CFR 60 for affected facilities. These summaries do not relieve the permittee from the responsibility to comply with all applicable requirements of the CFR, and are not intended to be a comprehensive listing of all requirements that may apply. Should there be a conflict between these summaries and the NSPS, the NSPS shall govern.

[06/30/08]

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

**Permittee:** Western States Asphalt

**Location:** Boise, Idaho

**Facility ID No. 001-00049**

### **3. STORAGE TANKS**

#### **3.1 Process Description**

The primary purpose of the emissions units is for the storage and mixing of various materials to meet the specifications of clients. The largest volumes of material are asphalt cement, asphalt emulsion, and asphalt cutback.

#### **3.2 Emission Control Description**

Refer to Table 1.1 for a description of emissions control measures.

#### ***Emissions Limits***

#### **3.3 Emission Limits**

The VOC emissions from the combined storage tanks stack shall not exceed any corresponding emission rate limits listed in appendix A of this permit.

[06/30/08]

#### ***Operating Requirements***

#### **3.4 Throughput Limits**

- The maximum annual throughput of the asphalt cement shall not exceed 157,282,436 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the asphalt emulsion shall not exceed 49,999,700 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the asphalt cutback shall not exceed 15,000,000 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the naphtha shall not exceed 1,000,000 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the No. 1 fuel oil shall not exceed 2,250,000 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the No. 2 fuel oil shall not exceed 2,250,000 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the emulsifier and/or extender shall not exceed 2,250,000 gallons per any consecutive 12-month period (gal/yr).

[06/30/08]

#### ***Monitoring and Recordkeeping Requirements***

#### **3.5 Throughput Monitoring**

Each month, the permittee shall monitor and record the throughput of each material stated in Permit Condition 3.4 for that month in units of gallons/month and in units of gallons per the most recent

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<b>Permittee:</b>	Western States Asphalt
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**Facility ID No. 001-00049**

consecutive 12-month (gal/yr) period to demonstrate compliance with Permit Conditions 3.3 and 3.4. and for the most recent consecutive 12-month period.

***NSPS Requirements***

**3.6 New Source Performance Standards - NSPS**

- The permittee shall perform all monitoring, recordkeeping and reporting requirements for each applicable storage tank as defined by 40 CFR Part 60 Subpart K or Subpart Kb.
- The owner or operator subject to 40 CFR Part 60 Subpart K, § 60.113 shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.
- In accordance with 40 CFR Part 60 Subpart Kb, § 60.116b, the owner or operator of each storage vessel shall keep readily accessible records showing the dimension of the tank and an analysis showing the capacity.
- In accordance with 40 CFR Part 60 Subpart Kb, § 60.116c, the owner or operator of each storage vessel with either a design capacity greater than or equal to 151 m<sup>3</sup> storing a liquid with a maximum true vapor pressure greater than or equal to 3.5 kPa or with a design capacity greater than or equal to 75 m<sup>3</sup> but less than 151 m<sup>3</sup> storing a liquid with a maximum true vapor pressure greater than or equal to 15.0 kPa shall maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.

[06/30/08]

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

**Permittee:** Western States Asphalt

**Location:** Boise, Idaho

**Facility ID No. 001-00049**

#### **4. FUEL-BURNING EQUIPMENT**

##### **4.1 Process Description**

The fuel-burning equipment consist of one 17 MMBtu/hr Sellers boiler and a 14.5 MMBtu/hr hot-oil heater. The primary purpose of the boiler is to heat the asphalt material in the rail cars to allow it to be pumped into the storage tanks. The primary purpose of the hot-oil heater is to heat specific storage tanks to maintain the material for pumping.

##### **4.2 Emission Control Description**

Refer to Table 1.1 for a description of emissions control measures.

#### ***Emissions Limits***

##### **4.3 Emission Limits**

The PM<sub>10</sub> and NO<sub>x</sub> emissions from the Sellers boiler and the hot-oil heater stacks shall not exceed the corresponding emissions rate limits listed in appendix A of this permit.

[06/30/08]

#### ***Operating Requirements***

##### **4.4 Throughput Limits**

The maximum annual throughput of natural gas for the Sellers boiler and the hot-oil heater combined shall not exceed 401,000,000 standard cubic feet (scf) or the equivalent of 4,210,000 therms per any consecutive 12-month period.

[06/30/08]

#### ***Monitoring and Recordkeeping Requirements***

##### **4.5 Throughput Monitoring**

The permittee shall maintain records of the quantity of natural gas combusted in the Sellers boiler and the hot-oil heater combined in units of scf/month or therms/month and in units of scf, or therms, per the most recent consecutive 12-month period to demonstrate compliance with Permit Conditions 4.3 and 4.4.

[06/30/08]

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

**Permittee:** Western States Asphalt

**Location:** Boise, Idaho

**Facility ID No. 001-00049**

***NSPS Requirements***

**4.6 Sellers Boiler, Fuel Records - NSPS**

The permittee shall monitor and maintain records of the amount of natural gas combusted in the Sellers boiler each day in accordance with 40 CFR 60.48c(g)(1), or the permittee may elect to record and maintain records of the amount of fuel combusted in the Sellers boiler during each calendar month in accordance with 40 CFR 60.48c(g)(2); or to record and maintain records of the total amount of gas delivered to the entire SemMaterials property during each calendar month in accordance with 40 CFR 60.48c(g)(3).

[06/30/08]

**4.7 Sellers Boiler, Reporting of Changes Increasing Emissions - NSPS**

For the Sellers boiler, the permittee shall provide notification of any physical and operational changes which may increase emissions, unless that change is specifically exempted by 40 CFR Subpart Dc or by 40 CFR 60.14(e). The notification shall be postmarked 60 days before the change is made, or as soon as reasonably practicable. The notification shall include: the precise nature of the change, present and proposed emission control systems, productive capacity before and after the change, and the expected completion date of the change in accordance with 40 CFR 60.7(a)(4). Notifications should be submitted to the address shown in Permit Condition 2.10 of this permit.

[06/30/08]

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

<b>Permittee:</b>	Western States Asphalt	<b>Facility ID No. 001-00049</b>
<b>Location:</b>	Boise, Idaho	

**5. LOADING RACKS**

**5.1 Process Description**

The purpose of the loading racks is to load the finished blend of product into trucks for shipment.

**5.2 Emission Control Description**

Refer to Table 1.1 for a description of emissions control measures.

***Emissions Limits***

**5.3 Emission Limits**

The VOC emissions from the loading racks shall not exceed any corresponding emission rate limits listed in appendix A of this permit.

[06/30/08]

***Operating Requirements***

**5.4 Throughput Limits**

The maximum annual throughput of the loading racks is 50,000,000 gallons of asphalt cement, 50,000,000 gallons of asphalt emulsion, and 15,000,000 gallons of asphalt cutback per any consecutive 12-month period. The maximum annual throughput of the loading racks shall not exceed 115,000,000 gallons per any consecutive 12-month period (115 MM gal/yr).

***Monitoring and Recordkeeping Requirements***

**5.5 Throughput Monitoring**

Each month, the permittee shall monitor and record the loading rack throughput of asphalt cement, asphalt emulsion, asphalt cutback, and the total loading rack throughput in units of gallons/month and in units of gallons per the most recent consecutive 12-month (gal/yr) period to demonstrate compliance with Permit Conditions 5.3 and 5.4.

[06/30/08]

**AIR QUALITY TIER II OPERATING PERMIT NUMBER: T2-2009.0057**

**Permittee:** Western States Asphalt

**Location:** Boise, Idaho

**Facility ID No. 001-00049**

**6. 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 58.01.01.211, 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 58.01.01.212.01, 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 in accordance with IDAPA 58.01.01.211:
  - 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;

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- 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 58.01.01.211, 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 58.01.01.211, 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]

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***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 58.01.01.209.04, 7/1/02]

***Transferability***

13. This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.209.06.

[IDAPA 58.01.01.404.05, 4/11/06]

***Severability***

14. 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.

[IDAPA 58.01.01.322.15.h, 5/1/94; 40 CFR 70.6(a)(5)]

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**7. APPENDIX A - EMISSION RATE LIMITS**

Table 7.1 provides a list of all emission rate limits required by this permit.

**Table 7.1 SEMMATERIALS, L.P. BOISE TERMINAL EMISSIONS LIMITS <sup>a</sup>**

Source Description	PM <sub>10</sub> <sup>b</sup>		NO <sub>x</sub>	VOC	
	lb/day <sup>c</sup>	T/yr <sup>d</sup>	T/yr <sup>d</sup>	lb/day <sup>c</sup>	T/yr <sup>d</sup>
One 17 MMBtu/hr Sellers boiler and one 12 MMBtu/hr hot-oil heater, collectively	5.8	1.0	14	---	---
Asphalt cement, asphalt emulsion, asphalt cutback, No.1 fuel oil, No.2 fuel oil, naphtha, asphalt extenders and emulsifiers storage tanks, collectively	---	---	---	37	7
Loading racks for asphalt cement, asphalt emulsion, and asphalt cutback collectively	---	---	---	15	3

<sup>a</sup> In the absence of any other credible evidence, compliance is assured by complying with this permit's operating, monitoring and record keeping requirements.

<sup>b</sup> Particulate matter with and aerodynamic diameter less than or equal to a nominal ten (10) micrometers including condensable particulate as defined in IDAPA 58.01.01.006.81.

<sup>c</sup> Pounds per calendar day

<sup>d</sup> Tons per consecutive 12-calendar month period

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**8. APPENDIX B - 40 CFR 60 SUBPART A REQUIREMENTS**

**Table 8.1 NSPS SUBPART A (40 CFR 60.1) SUMMARY OF GENERAL PROVISIONS FOR AFFECTED FACILITIES**

Section	Section Title	Summary of Section
60.4	Address	All notifications and reports shall be submitted to:  Pocatello Regional Office Department of Environmental Quality At the address listed in the facility's Tier I Operating Permit
60.7(b),(c)(d) and (f)	Notification and Record Keeping	<ul style="list-style-type: none"> <li>Notification of construction commencement postmarked no later than 30 days of such date.</li> <li>Notification of startup postmarked within 15 days of such date.</li> <li>Notification of physical or operational change that may increase emissions postmarked 60 days before the change is made.</li> <li>Maintain records of the occurrence and duration of any: startup, shutdown or malfunction of the affected source; malfunction of air pollution control device; and any period when a continuous monitoring system or monitoring device is inoperative.</li> <li>Maintain in a permanent form records suitable for inspection all measurements, system testing, performance measurements, calibration checks, adjustments and maintenance performed. Shall be maintained for a period of two years from the date the record is required to be generated by the applicable regulation.</li> </ul>
60.8	Performance Tests	<ul style="list-style-type: none"> <li>When testing is required, 60.8 specifies requirements as follows: Testing and report submittal timing; test methods; representative operating conditions during tests; notifications; providing performance testing facilities such as test ports and platforms; and a minimum of three "runs" per test.</li> </ul>
60.11(a),(b),(c), (d) and (g)	Compliance with Standards and Maintenance Requirements	<ul style="list-style-type: none"> <li>Other than opacity standards, where performance tests are required compliance with standards is determined by methods and procedures established by 40 CFR 60.8.</li> <li>At all times, including periods of startup, shutdown, and malfunction to the extent practicable, the operator shall maintain and operate any affected facility and air pollution control equipment consistent with good air pollution control practices.</li> <li>For the purposes of determining compliance with standards any credible evidence may be used if the appropriate performance or compliance test procedure has been performed.</li> </ul>
60.12	Circumvention	No owner or operator shall build, erect, install or use any article or method, including dilution, to conceal an emission which would otherwise constitute a violation.
60.13	Monitoring	Not applicable since the facility is not required to use any continuous monitoring systems.
60.14	Modification	<ul style="list-style-type: none"> <li>With certain exceptions, a modification is any physical or operational change to an existing facility which results in an increased emission rate of any pollutant to which a standard applies.</li> <li>Upon modification, an existing facility shall become an "affected facility" for each pollutant to which a standard applies.</li> <li>Emission rate shall be expressed as kg/hr (lb/hr) of the pollutant for which a standard is applicable, and it is determined per 60.14.</li> <li>Within 180 of completion of the physical/operational change, compliance with applicable standards must be achieved.</li> </ul>
60.15	Reconstruction	<ul style="list-style-type: none"> <li>An existing facility becomes an "affected facility", irrespective of any change in emission rate.</li> <li>In general, "reconstruction" means the replacement of components of an existing facility to such an extent that the fixed capital cost of the new components exceeds 50% of the fixed capital cost required to construct a comparable entirely new facility.</li> <li>Notification of the proposed replacements postmarked 60 days before commencing construction.</li> </ul>