



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, ID 83706 • (208) 373-0502
www.deq.idaho.gov

Brad Little, Governor
John Tippetts, Director

May 15, 2020

Beth Martin, Estimator
C.M. Owen Construction, LLC
P. O. Box 1077
Victor, ID 83455

RE: Facility ID No. 777-00433, C.M. Owen Construction, LLC, Victor
Final Permit Letter

Dear Beth Martin:

The Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-2008.0189 Project 62395 to C.M. Owen Construction, LLC located at Victor for the facility name change and baghouse installation. The permittee name change is from Owen PC Construction, LLC to C.M. Owen Construction, LLC. This PTC is issued in accordance with IDAPA 58.01.01.200 through 228 (Rules for the Control of Air Pollution in Idaho) and is based on the certified information provided in your PTC application received February 27, 2020.

This permit is effective immediately and replaces PTC No. P-2008.0189, issued on April 7, 2009. This permit does not release C.M. Owen Construction, LLC from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

Pursuant to the Construction and Operation Notification General Provision of your permit, it is required that construction and operation notification be provided. Please provide this information as listed to DEQ's Idaho Falls Regional Office, 900 N. Skyline, Suite B, Idaho Falls, ID 83402, Fax (208) 528-2695.

In order to fully understand the compliance requirements of this permit, as requested, Rensay Owen, Regional Air Quality Manager, at (208) 528-2650, will schedule a permit handoff meeting to review and discuss the terms and conditions of this permit. Please note that this meeting should be scheduled once the permitted emissions units are operating and some representative records required by the permit have been generated by the facility. DEQ recommends that 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 Shawnee Chen at (208) 373-0502 or shawnee.chen@deq.idaho.gov to address any questions or concerns you may have with the enclosed permit.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mike Simon".

Mike Simon
Stationary Source Bureau Chief
Air Quality Division

MS\syc

Permit No. P 2008.0189 PROJ 62395

Enclosures

Air Quality

PERMIT TO CONSTRUCT

Permittee C.M. Owen Construction, LLC
Permit Number P-2008.0189
Project ID 62395
Facility ID 777-00433
Facility Location Portable throughout the state of Idaho

Permit Authority

This permit (a) is issued according to the “Rules for the Control of Air Pollution in Idaho” (Rules), IDAPA 58.01.01.200–228; (b) pertains only to emissions of air contaminants regulated by the State of Idaho and to the sources specifically allowed to be constructed or modified by this permit; (c) has been granted on the basis of design information presented with the application; (d) does not affect the title of the premises upon which the equipment is to be located; (e) does not release the permittee from any liability for any loss due to damage to person or property caused by, resulting from, or arising out of the design, installation, maintenance, or operation of the proposed equipment; (f) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; and (g) in no manner implies or suggests that the Idaho Department of Environmental Quality (DEQ) or its officers, agents, or employees assume any liability, directly or indirectly, for any loss due to damage to person or property caused by, resulting from, or arising out of design, installation, maintenance, or operation of the proposed equipment. Changes in design, equipment, or operations may be considered a modification subject to DEQ review in accordance with IDAPA 58.01.01.200–228.

Date Issued May 15, 2020



Shawnee Chen, PE, Permit Writer



Mike Simon, Stationary Source Bureau Chief

Contents

1	Permit Scope.....	3
2	Hot Mix Asphalt Plant.....	4
3	General Provisions.....	15

1 Permit Scope

Purpose

- 1.1 This is a revised permit to construct (PTC) to change facility's name from Owen PC Construction, LLC to C.M. Owen Construction, LLC and to replace the scrubber with a baghouse. [5/15/2020]
- 1.2 Those permit conditions that have been modified or revised by this permitting action are identified by the permit issue date citation located directly under the permit condition and on the right-hand margin.
- 1.3 This PTC replaces Permit to Construct No. P-2008.0189, issued on April 7, 2009. [5/15/2020]

Regulated Sources

Table 1.1 lists all sources of regulated emissions in this permit.

Table 1.1 Regulated Sources

Permit Section	Source	Control Equipment
2	<u>Drum mix plant 1580</u> Manufacturer: CMI Model: UDM 1200 Maximum capacity: 250 tons per hour Fuel types: Propane, natural gas, No. 2 fuel oil, and used oil Date of construction: 1979	<u>Baghouse (ASP 51):</u> Manufacturer: CWMF Model: P-50-720, PM ₁₀ control efficiency: 99.9%
2	<u>Tank heater</u> Manufacturer: CMI Model: UDM 1200 Fuel type: Propane, natural gas, No. 2 fuel oil, and used oil Date of construction: 1979	None
2	<u>Generator</u> Manufacturer: Caterpillar Model: 3412CDITA Engine number: BPG02595 Rated power: 545 Kilowatts Fuel type: No. 2 fuel oil Rated use: 40 gallons per hour Date of construction: 2005, purchased about July 1, 2005.	None
2	<u>Generator</u> Manufacturer: Whisper Watt Model: 45kw Rated power: 45 Kilowatts Fuel type: No. 2 fuel oil Rated use: 2 gallons per hour Date of construction: 2008	None

[5/15/2020]

2 Hot Mix Asphalt Plant

2.1 Process Description

C. M. Owen Construction, LLC is a CMI model UDM 1200 portable hot mix asphalt plant (HMA) that consists of a parallel flow drum mix dryer, portable generators, an asphalt tank heater/asphalt tank, diesel fuel storage tanks, baghouse, and material transfer equipment. Materials transfer equipment may include front end loaders, storage bins, storage silos, conveyors, stock piles, and haul trucks.

Front end loaders are used to transfer the stockpiled aggregates to feed bins. Aggregate is dispensed from the bins onto a scale conveyor that weighs and delivers the aggregate to the drum mixer. Aggregate travels through the drum mix dryer, and when dried it is blended with liquid asphalt cement. The resulting hot mix asphalt is conveyed to a storage silo until it can be loaded into trucks for transport to the job site.

The drum dryer is a parallel flow design that uses proportioning aggregate (cold feed) controls for the process materials. Sized aggregate is introduced at the burner end. As the drum rotates, the aggregates and the combustion air move in parallel towards the dryer outlet. During the drying process the mixture is coated with liquid asphalt cement. The exhaust gases from the drum dryer and coater are collected and ducted to a baghouse by an induced draft fan.

[5/15/2020]

2.2 Control Device Descriptions

The exhaust gases from the drum dryer and coater are collected and ducted to a baghouse by an induced draft fan.

Table 2.1 Hot mix asphalt plant Description

Emissions Units / Processes	Control Devices
Hot mix asphalt plant	Baghouse

[5/15/2020]

Emission Limits

2.3 Emission Limits

The emissions from the hot mix asphalt plant stack shall not exceed any corresponding emissions rate limits listed in Table 2.2.

Table 2.2 HMA Emission Limits^(a)

Source Description	PM ₁₀ ^(b)	
	lb/hr ^(c)	T/yr ^(d)
HMA	4.05	1.62

- a) In absence of any other credible evidence, compliance is ensured by complying with permit operating, monitoring, and record keeping requirements.
- b) Particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers, including condensable particulate as defined in IDAPA 58.01.01.006.
- c) Pounds per hour, as determined by a test method prescribed by IDAPA 58.01.01.157, EPA reference test method, continuous emission monitoring system (CEMS) data, or DEQ-approved alternative.
- d) Tons per any consecutive 12-calendar month period.

2.4 Opacity Limit

Emissions from the plant, tank heater, or generator stack, or any other stack, vent, or functionally equivalent opening associated with the plant, tank heater, or generator, shall not exceed 20% opacity for a period or periods aggregating more than three minutes in any 60-minute period as required by IDAPA 58.01.01.625. Opacity shall be determined by the procedures contained in IDAPA 58.01.01.625.

2.5 NSPS - 40 CFR Subpart I Standards for Particulate Matter

In accordance with 40 CFR Subpart I, the permittee shall not discharge or cause the discharge into the atmosphere from the hot mix asphalt facility any gases which:

- (1) Contain particulate matter in excess of 90 mg/dscm (0.04 gr/dscf).
- (2) Exhibit 20 percent opacity, or greater.

2.6 Odors

The permittee shall not allow, suffer, cause, or permit the emission of odorous gases, liquids, or solids into the atmosphere in such quantities as to cause air pollution in accordance with IDAPA 58.01.01.776.01.

Operating Requirements

2.7 HMA Production Limits

- The production rate of the HMA plant shall not exceed 1,800 tons of HMA per day (T/day).
- The production rate of the HMA plant shall not exceed 120,000 tons of HMA per any consecutive 12-calendar month period (T/yr).

2.8 Hot Mix Asphalt Plant and Generator Operating Limits

- The hot mix asphalt plant operating hours shall not exceed 800 hours per any consecutive 12-calendar month period.
- The tank heater operating hours shall not exceed 3,000 hours per any consecutive 12-calendar month period.
- The Caterpillar 545 Kilowatt generator operating hours shall not exceed 1,500 hours per any consecutive 12-calendar month period.
- The 45 Kilowatt generator operating hours shall not exceed 1,500 hours per any consecutive 12-calendar month period.

2.9 Use of Baghouse

The permittee shall use a baghouse to control PM and PM₁₀ emissions from the hot mix asphalt plant at all times when the hot mix asphalt plant is in operation.

[5/15/2020]

2.10 Baghouse/Filter System Procedures

Within 60 days of initial start-up of the baghouse, the permittee shall have developed a Baghouse Filter System Procedures document for the inspection and operation of the baghouse filter system which controls particulate matter emissions from the asphalt drum mixer. The Baghouse Filter System Procedures document shall be a permittee-developed document independent of the

manufacturer supplied operating manual but may include summaries of procedures included in the manufacturer supplied operating manual.

The Baghouse Filter System Procedures document shall describe the procedures that will be followed to comply with the General Compliance General Provisions and shall contain requirements for monthly see/no-see visible emissions inspections of the baghouse. The inspection shall occur during daylight hours and under normal operating conditions.

The Baghouse/Filter System Procedures document shall include a schedule and procedures for corrective action that will be taken if visible emissions are present from the asphalt drum mixer baghouse at any time. At a minimum the document shall include:

- Procedures to determine if bags or cartridges are ruptured; and
- Procedures to determine if bags or cartridges are not appropriately secured in place.

The permittee shall maintain records of the results of each baghouse filter system inspection. The records shall include, but not be limited to, the following:

- Date and time of inspection,
- Equipment inspected (e.g. exterior housing of baghouse, fan motor, auger, inlet air ducting);
- Description of whether visible emissions were present, and if visible emissions were present a description of the corrective action that was taken.
- Date corrective action was taken.

The Baghouse Filter System Procedures document shall be submitted to DEQ within 60 days of initial start-up of the baghouse and shall contain a certification by a responsible official. Any changes to the Baghouse Filter System Procedures document shall be submitted within 15 days of the change.

The Baghouse Filter System Procedures document shall remain on-site at all times and shall be made available to DEQ representatives upon request.

The operating, monitoring, and recordkeeping requirements specified in the Baghouse Filter System Procedures document are incorporated by reference into this permit and are enforceable permit conditions.

[5/15/2020]

2.11 Permitted Fuels

- The hot mix asphalt plant shall combust only natural gas, ASTM Grade 1 and 2 distillate fuel oil meeting the specifications of Permit Condition 2.13, or used oil meeting the specifications of Permit Conditions 2.12 and 2.13.
- The asphalt tank heater shall combust only natural gas, ASTM Grade 1 and 2 distillate fuel oil meeting the specifications of Permit Condition 2.13, or used oil meeting the specifications of Permit Conditions 2.12 and 2.13.
- The generators shall combust only ASTM Grade 1 and 2 distillate fuel oil meeting the specifications of Permit Condition 2.13 and, for the 45 Kilowatt generator, Permit Condition 2.14.

2.12 40 CFR 279, Subpart B – Used Oil Specifications

The permittee shall comply with the applicable requirements of 40 CFR 279, Subpart B – Used Oil Specifications.

In accordance with 40 CFR 279.11, with the exception of total halogens which are limited to 1,000 ppm, used oil burned for energy recovery shall not exceed any of the allowable levels of the constituents and property listed in Table 2.3. In addition, used oil shall not contain quantifiable levels (2 ppm) of polychlorinated biphenyls (PCB).

Table 2.3 Used Oil Specifications^(a)

Constituent/property	Allowable level
Arsenic	5 ppm ^(b) maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100 deg. F minimum
Total halogens	1,000 ppm maximum
PCBs ^(c)	< 2 ppm

a) The specification does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see 40 CFR 279.10(b)).

b) parts per million

c) Applicable standards for the burning of used oil containing PCB are imposed by 40 CFR 761.20(e)

2.13 Fuel Sulfur Content

- No person shall sell, distribute, use, or make available for use any distillate fuel oil containing more than the following percentages of sulfur in accordance with IDAPA 58.01.01.728:
- ASTM Grade 1 fuel oil - 0.3% by weight.
- ASTM Grade 2 fuel oil - 0.5% by weight.
- The permittee shall not use any used oil containing more than 0.5% sulfur by weight.

2.14 Fuel Requirements

For the 45 Kilowatt generator, the permittee shall only use diesel fuel that meets the requirements of 40 CFR 80.510 in accordance with 40 CFR 60.4207.

[40 CFR 60.4207]

2.15 Backpressure Monitor

If the 45 Kilowatt generator is equipped with a diesel particulate filter to comply with the emission standards in 40 CFR 60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

[40 CFR 60.4209(b)]

2.16 Generator Installation and Maintenance

The 45 Kilowatt generator must be installed and configured according to the manufacturer's specifications.

[40 CFR 60.4211(c)]

The permittee shall operate and maintain the 45 Kilowatt generator according to the manufacturer's written instructions or procedures developed by the permittee that are approved by the engine manufacturer. In addition, the permittee may only change those settings that are permitted by the manufacturer.

[40 CFR 60.4211(a)]

2.17 Fugitive Emissions

All reasonable precautions shall be taken to prevent particulate matter (PM) from becoming airborne in accordance with IDAPA 58.01.01.650-651 and IDAPA 58.01.01.808. 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 PM. Some of the reasonable precautions include, but are not limited to, the following:

- 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.
- 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.

2.18 Setback Requirement

The permittee shall maintain a minimum setback distance of 180 meter setback (591 feet) from the property boundary to the drum dryer scrubber exhaust stack.

Performance Testing Requirements

2.19 Performance Testing

PM/PM₁₀ Performance Testing

Performance testing on the HMA dryer baghouse stack for PM and PM₁₀ shall be performed within 60 days after the installation of the baghouse.

The performance test for PM shall measure the PM emission rate in grains per dry standard cubic feet and the opacity to demonstrate compliance with the emission limits in Permit Conditions 2.4 and 2.5.

The performance test for PM₁₀ shall measure the PM₁₀ emission rate in pounds per hour to demonstrate compliance with the hourly emission limit in Permit Condition 2.3.

The performance tests shall be conducted under worst-case normal operating conditions and in accordance with 40 CFR 60.93 and General Provision 7 of this permit.

The permittee is encouraged to submit a performance testing protocol for approval 30 days prior to conducting the performance tests.

Each performance test shall consist of three separate runs using the applicable test method in accordance with 40 CFR 60.8(f).

Performance testing on the HMA dryer stack shall be performed no less than once every five years following the previous performance test. The performance test shall measure the PM₁₀ emission rate in pounds per hour and the opacity to demonstrate compliance with Permit Conditions 2.3 and 2.4.

[5/15/2020]

2.20 PM/PM₁₀ Performance Test Methods and Procedures

The permittee shall use EPA Methods 5 and 202, or 201A and 202, or such comparable and equivalent methods approved in accordance with IDAPA 58.01.01.157.02.d to determine compliance with the PM₁₀ emissions limit in Permit Condition 2.3

The permittee shall use EPA Method 5 to determine compliance with the particulate matter standard in Permit Condition 2.5.

The permittee shall use EPA Method 9 to determine compliance with the opacity standard in Permit Condition 2.4, with the method of calculating opacity exceedances altered in accordance with IDAPA 58.01.01.625.04.

[5/15/2020]

Monitoring and Recordkeeping Requirements

2.21 Monitoring Requirements

The permittee shall monitor and record the following information:

- HMA production on daily basis, in tons per day to demonstrate compliance with Permit Condition 2.7.
- HMA production on a monthly basis, in tons per month and tons per consecutive 12-calendar month period to demonstrate compliance with Permit Condition 2.7.

2.22 Hours of Operation Monitoring

The permittee shall monitor and record the hours of operation of the hot mix asphalt plant and each of the generators once each day.

2.23 Generator Certification

For the 45 Kilowatt generator, the permittee shall provide documentation from the manufacturer showing that the generator is certified in accordance with 40 CFR 60.4201(a).

[40 CFR 60.4201(a)]

2.24 Used Oil Certification

The permittee shall demonstrate compliance with the used oil fuel specifications in Permit Condition 2.12 by obtaining a used oil fuel certification from the used oil fuel supplier on an as-received basis for each shipment or by having the fuel analyzed by a qualified laboratory. The certification shall include the following information:

- The name and address of the used oil supplier;
- The measured concentration, expressed as ppm, of each constituent listed in Table 2.3;
- The flash point of the used oil expressed as degrees Fahrenheit;
- The analytical method or methods used to determine the concentration of each constituent and property (flash point) listed in Table 2.3;
- The date and location of each sample; and
- The date of each certification analysis.

2.25 Odor Complaints

The permittee shall maintain records of all odor complaints received to demonstrate compliance with Permit Condition 2.6. 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.

2.26 Minimum Stack Height

The minimum height for the hot mix asphalt plant dryer stack shall be 33 feet.

Reporting Requirements

2.27 Performance Test Reporting

Performance test reporting shall be conducted in accordance with General Provisions 7, 8, and 9 of this permit and sent to the following address:

Air Quality Permit Compliance
Idaho Falls Regional Office
Department of Environmental Quality
900 N. Skyline, Suite B
Idaho Falls, ID 83402

Phone: (208) 528-2650

Fax: (208) 528-2695

2.28 Relocation

At least 10 days prior to relocation of any equipment covered by this permit, the permittee shall submit a scaled plot plan and a complete Portable Equipment Registration and Relocation Form (PERF), in accordance with IDAPA 58.01.01.500, to the following address or fax number:

PERF Processing Unit
DEQ – Air Quality
1410 N. Hilton
Boise, ID 83706-1255

Phone: (208) 373-0502

Fax: (208) 373-0340

Electronic copies of the PERF can be obtained from the DEQ website;

<http://www.deq.idaho.gov>

2.29 PM₁₀/PM_{2.5} Nonattainment Area Operations

The permittee shall not relocate and operate the HMA plant in any PM_{2.5} or PM₁₀ nonattainment area without first obtaining a permit which specifically allows for operations in a PM_{2.5} or PM₁₀ nonattainment area.

The geographical locations of nonattainment areas in Idaho can be found at DEQ's website at:

<http://www.deq.idaho.gov/>

For additional information regarding nonattainment areas please contact DEQ.

2.30 NSPS 40 CFR 60 Subpart A –General Provisions

Generally applicable reporting, record keeping, and notification requirements of Subpart A of the New Source Performance Standards (NSPS, 40 CFR 60) are included in Table 2.4. These summaries are provided to highlight the notification and record keeping requirements of 40 CFR 60 for affected facilities, and are not intended to be a comprehensive listing of all general provisions requirements that may apply. Should there be a conflict between these summaries and the NSPS, the NSPS shall govern.

The permittee is encouraged to read all of 40 CFR 60 Subpart A. The CFRs are available on-line at:

<https://www.ecfr.gov/>

Table 2.4 NSPS Subpart A (40 CFR 60) Summary of General Provisions for Affected Facilities

Section	Section Title	Summary of Section Requirements
60.4	Address	<p>All notifications and reports shall be submitted to:</p> <p>Idaho Falls Regional Office Department of Environmental Quality 900 N. Skyline, Suite B Idaho Falls, ID 83402</p>
60.7(b),(c)(d) and (f)	Notification and Record Keeping	<ul style="list-style-type: none"> • Notification of commencement of construction postmarked no later than 30 days of such date. • Notification of startup postmarked within 15 days of such date. • Notification of physical or operational change that may increase emissions postmarked 60 days before the change is made. • 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. • For affected units with continuous monitoring device requirements report excess emissions and monitoring system performance semiannually, postmarked by January 30th and July 30th (in the format required by NSPS). • Maintain in a permanent form records suitable for inspection of all measurements, system testing, performance measurements, calibration checks, and adjustments/maintenance performed. Records shall be maintained for a period of two years from the date the record is required to be generated by the applicable regulation.
60.8	Performance Tests	<ul style="list-style-type: none"> • The owner or operator shall provide notice at least 30 days prior to any performance test to afford an opportunity for an observer to be present during testing. • Within 60 days of achieving maximum production, but not later 180 days after startup the permittee shall conduct performance test(s) and furnish a written report of the results of the test(s)
60.11(a),(b),(c), (d) and (g)	Compliance with Standards and Maintenance Requirements	<ul style="list-style-type: none"> • Other than opacity standards, where performance tests are required compliance with standards is determined by methods and procedures established by 40 CFR 60.8. • Compliance with NSPS opacity standards shall be determined by Method 9 of Appendix A. The owner or operator may elect to use COM measurements in lieu of Method 9 provided notification is made at least 30 days before the performance test. • 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. • For the purposes of determining compliance with standards any creditable evidence may be used if the appropriate performance or compliance test procedure has been performed.
60.12	Circumvention	<p>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.</p>
60.14	Modification	<ul style="list-style-type: none"> • Physical or operational changes to source types that are regulated by a NSPS which result in an increase in hourly emissions to which a standard applies is considered a modification (unless expressly exempted the NSPS). Modified sources become subject to the NSPS standards • Note that in accordance with IDAPA 58.01.01.201 no owner or operator may commence a modification without first obtaining a permit to construct unless the modification is exempted from the need to obtain a permit in accordance with IDAPA 58.01.01.220-223.

2.31 40 CR 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engine

The permittee shall comply with applicable requirements in 40 CFR 63 Subpart ZZZZ for the 454 kW Caterpillar engine.

[5/15/2020]

3 General Provisions

General Compliance

3.1 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, 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.]

3.2 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]

3.3 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

3.4 Upon presentation of credentials, the permittee shall allow DEQ or an authorized representative of DEQ to do the following:

- Enter upon the permittee’s premises where an emissions source is located, emissions-related activity is conducted, or where records are kept under conditions of this permit;
- Have access to and copy, at reasonable times, any records that are kept under the conditions of this permit;
- Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
- 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

3.5 This permit shall expire if construction has not begun within two years of its issue date, or if construction is suspended for one year.

[IDAPA 58.01.01.211.02, 5/1/94]

3.6 The permittee shall furnish DEQ written notifications as follows:

- A notification of the date of initiation of construction, within five working days after occurrence; except in the case where pre-permit construction approval has been granted then notification shall be made within five working days after occurrence or within five working days after permit issuance whichever is later;
- A notification of the date of any suspension of construction, if such suspension lasts for one year or more; and

- A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date.

[IDAPA 58.01.01.211.01, 5/1/94]

- 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; and
- A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date.

[IDAPA 58.01.01.211.03, 5/1/94]

Performance Testing

3.7 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.

3.8 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.

3.9 Within 60 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 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 and 4/11/15]

Monitoring and Recordkeeping

3.10 The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Monitoring records 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 DEQ representatives upon request.

[IDAPA 58.01.01.211, 5/1/94]

Excess Emissions

- 3.11** The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130–136 for excess emissions due to start-up, shut-down, scheduled maintenance, safety measures, upsets, and breakdowns.

[IDAPA 58.01.01.130–136, 4/5/00]

Certification

- 3.12** 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

- 3.13** 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

- 3.14** 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]

Transferability

- 3.15** This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.209.06.

[IDAPA 58.01.01.209.06, 4/11/06]

Severability

- 3.16** 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 58.01.01.211, 5/1/94]