

BC

STATE OF IDAHO  
PERMIT TO CONSTRUCT  
AN AIR POLLUTION  
EMITTING SOURCE

PERMIT NUMBER  
7 7 7 - 0 0 0 4 3

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ZONE UTM COORDINATE (km)  
[ ][ ] [ ][ ][ ] [ ][ ][ ][ ]

1. PERMITTEE  
J.K. Merrill & Sons

2. PROJECT  
Portable Rock Crushing Plant

3. MAILING ADDRESS P.O. Box 4065	CITY Pocatello	STATE Idaho	ZIP CODE 83205-4065
4. SITE LOCATION COUNTY Portable	NO. OF FULL-TIME EMPLOYEES 4	PROPERTY AREA AT SITE (Acreage) Varies	
5. PERSON TO CONTACT Richard L. Merrill	TITLE Owner	TELEPHONE (208) 237-6550	

6. EXACT PLANT LOCATION  
Portable

7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS  
Rock Crushing

GENERAL CONDITIONS

This permit is issued according to the *Rules for the Control of Air Pollution in Idaho*, Section 16.01.01.200, and pertains only to emissions of air contaminants that are regulated by the State of Idaho and to the sources specifically allowed to be constructed by this permit.

This permit (a) does not affect the title of the premises upon which the equipment is to be located, (b) 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, (c) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances, (d) in no manner implies or suggests that the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ) or its officers, agents, or employees, assumes 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.

This permit is not transferable to another person, place, piece or set of equipment. This permit will expire if construction has not begun within two years of its issue date or if construction is suspended for one year.

This permit has been granted on the basis of design information presented with its application. Changes of design or equipment that result in any change in the nature or amount of emissions must be approved in advance by the DEQ unless exempted by the *Rules for the Control of Air Pollution in Idaho* Sections 220 through 225.

*Devilla D. Green*

ASSISTANT ADMINISTRATOR  
DIVISION OF ENVIRONMENTAL QUALITY

DATE: May 14, 1998

## PERMIT TO CONSTRUCT

## PERMITTEE, PROJECT, AND LOCATION

J.K. Merrill & Sons  
 Portable Rock Crusher  
 Portable

## PERMIT NUMBER

7	7	7	-	0	0	0	4	3
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## SOURCE

Portable Rock Crushing Plant

## 1. EMISSION LIMITS

1.1 Crusher Opacity Limit

Particulate matter (PM) emissions from portable rock crushers shall not exhibit more than 15% opacity. Opacity shall be determined using the procedures specified in the DEQ's "Procedures Manual for Air Pollution Control."

1.2 Transfer Point Opacity Limit

PM emissions from any transfer point on belt conveyors, or from each grinding mill, screening operation, bucket elevator, belt conveyor bagging operation, storage bin, enclosed truck, or rail car loading station shall not exhibit greater than 10% opacity. Opacity shall be determined using the procedures specified in the DEQ's "Procedures Manual for Air Pollution Control."

1.3 Opacity Limit

Emissions emanating from any stack, vent, or other functionally equivalent opening, shall not exceed twenty percent (20%) opacity for a period or periods aggregating more than three (3) minutes in any sixty (60)-minute period as required in IDAPA 16.01.01.625 (*Rules for the Control of Air Pollution in Idaho*). Opacity shall be determined using the procedures contained in DEQ's "Procedures Manual for Air Pollution Control."

1.4 Visible Emission Limits at Property Boundary

Fugitive emissions shall not be observed leaving the property boundary for a period or periods aggregating more than three (3) minutes in any sixty (60)-minute period. Visible emissions shall be determined by Method 22, as described in 40 CFR Part 60, Appendix A, or a DEQ-approved alternative method.

## 2. OPERATING REQUIREMENTS

2.1 Number of Crushers and Generators

The rock crushing facility shall not use more than four (4) crushers and one (1) six hundred-kilowatt (600-kW) generator(s).

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2.2 Facility Throughput Limits

The production rate of the rock crushing facility shall not exceed a maximum of one million, two hundred seventy thousand tons per consecutive 12-month period (1,270,000 T/yr).

2.3 Nonattainment Area Generator Hours of Operation

The generator(s) shall not be operated more than ten hours per day (10 hr/day) or three thousand, five hundred twenty-two hours per consecutive 12-month period (3,522 hr/yr) when located in any PM-10 nonattainment area or proposed PM-10 nonattainment area.

2.4 Attainment Area Generator Hours of Operation

The generator(s) shall not be operated more than seven thousand, nine hundred forty hours per consecutive 12-month period (7,940 hr/yr) when located in any attainment area.

2.5 Reasonable Control of Fugitive Emissions

All reasonable precautions shall be taken to prevent particulate matter from becoming airborne as required in IDAPA 16.01.01.651. In determining what is reasonable, considerations will be given to factors such as the proximity of dust emitting operations to human habitations and/or activities and atmospheric conditions which might affect the movement of particulate matter. Some of the reasonable precautions include, but are not limited to, the following:

- 2.5.1 Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands;
- 2.5.2 Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust;
- 2.5.3 Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations;

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2.5.4 Covering, where practical, of open bodied trucks transporting materials likely to give rise to airborne dusts;

2.5.5 Paving of roadways and their maintenance in a clean condition, where practical; or

2.5.6 Prompt removal of earth or other stored material from streets, where practical.

2.6 Air Stagnation Advisory Days

No operation of the rock crushing facility shall occur during days of Air Stagnation Advisory.

3. MONITORING REQUIREMENTS

3.1 Operating Parameters

3.1.1 The permittee shall monitor and record the total throughput of aggregate to the crushing facility daily. The most recent two (2) years' compilation of data shall be kept on site, in a log, and made available to DEQ representatives upon request.

3.1.2 The permittee shall monitor and record the generator's hours of operation on a daily basis while operating the generator(s). The most recent two (2) years' compilation of data shall be kept on site, in a log, and made available to DEQ representatives upon request.

3.2 Reasonable Control Measures

The permittee shall monitor and record in a log, during operation, the periodic method(s) used to reasonably control fugitive emissions from this facility. The log shall include the type of control used (i.e., water, environmentally safe chemical dust suppressants, etc.) as well as the circumstances under which no controls are used. The most recent two (2) years' compilation of data shall be kept on site and made available to DEQ representatives upon request.

3.3 Initial Performance Test

Within one hundred eighty (180) days of starting up the facility or within sixty (60) days of reaching the maximum production rate specified in this permit,

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whichever occurs first, the permittee shall conduct a performance test, according to 40 CFR 60.675 and the DEQ's "Procedures Manual for Air Pollution Control," on all equipment affected by 40 CFR 60.670, to demonstrate compliance with this permit. A visible emissions determination at the property boundary shall also be conducted to demonstrate compliance with this permit. The aggregate production rate of the facility shall be monitored and recorded during the performance test.

## 4. REPORTING REQUIREMENTS

4.1 Relocation

At least ten (10) days prior to relocation of any equipment covered by this permit, the permittee shall report to DEQ, on relocation forms supplied by DEQ, the following information:

4.1.1 Exact location of the new site of operations;

4.1.2 Start-up date at the new site of operations and the duration of operations at the new site;

4.1.3 Equipment to be used at the new site; and

4.1.4 A scaled plot plan clearly showing the property boundary of the new site.

4.2 Certification of Documents

All documents including, but not limited to, application forms for Permits to Construct, monitoring data, supporting information, requests for confidential treatment, testing reports, and compliance certifications submitted to the DEQ 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.

4.3 Performance Test Protocol

The permittee shall submit a test protocol for the performance test required by this permit to the DEQ for approval at least thirty (30) days prior to the test date.

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4.4 Performance Test Report

The permittee shall submit a report of the results of the performance test required by this permit, including all required process data, to the DEQ within thirty (30) days after the date on which the performance test is conducted.

Date: May 14, 1998

## PERMIT TO CONSTRUCT GENERAL PROVISIONS

- A. 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 emission of any pollutant in excess of the limitations specified herein, or noncompliance with any other condition or limitation contained in this permit, shall constitute a violation of this permit and the *Rules for the Control of Air Pollution in Idaho*, and the Environmental Protection and Health Act, Idaho Code 39-101, et.seq.
- B. The permittee shall at all times (except as provided in the *Rules for the Control of Air Pollution in Idaho*) maintain 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.
- C. The permittee shall allow the Director, and/or the authorized representative(s), upon the presentation of credentials:
1. To enter at reasonable times upon the premises where an emission source is located, or in which any records are required to be kept under the terms and conditions of this permit; and
  2. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit, to inspect any monitoring methods required in this permit, and require stack emission testing in conformance with the DEQ's "Procedures Manual for Air Pollution Control" when deemed appropriate by the Director.
- D. Nothing in this permit is intended to relieve or exempt the permittee from compliance with any applicable federal, state, or local law or regulation, except as specifically provided herein.
- E. The permittee shall notify the DEQ, in writing, of the required information for the following events within five (5) working days after occurrence:
1. Initiation of Construction - Date
  2. Completion/Cessation of Construction - Date
  3. Actual Production Start-up - Date
  4. Initial Date of Achieving Maximum Production Rate - Production Rate and Date
- F. If emission testing is specified, the permittee must schedule such testing within sixty (60) days after achieving the maximum production rate, but not later than one hundred and eighty (180) days after initial start-up. Such testing must **strictly** adhere to the procedures outlined in the DEQ's "Procedures Manual for Air Pollution Control," and shall not be conducted on weekends or state holidays without prior written DEQ approval. Testing procedures and specific time limitations may be modified by the DEQ by prior negotiation if conditions warrant adjustment. The DEQ shall be notified at least fifteen (15) days prior to the scheduled compliance test. Any records or data generated as a result of such compliance test shall be made available to the DEQ upon request.
- The maximum allowable operating rate shall be limited to 120% of the average operating rate attained during any performance test period, for which a test protocol has been granted prior approval by the DEQ, unless (1) the test demonstrates noncompliance, (2) a more restrictive operating limit is specified elsewhere in this permit, or (3) at such an operating rate, emissions would exceed any emission limit(s) set forth in this permit.
- G. The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

Date: May 14, 1998
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Mr. Richard L. Merrill  
May 14, 1998  
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Hearings Coordinator, Department of Health and Welfare,  
Administrative Procedures Section, 450 West State Street, Tenth  
Floor, Boise, Idaho 83720-5450, within thirty-five (35) days of  
the date of this decision.

If you have any questions regarding the terms or conditions of the  
enclosed permit, please contact Susan J. Richards, Chief, Air  
Quality Permitting Bureau, at (208) 373-0502.

Sincerely,



Orville D. Green  
Assistant Administrator  
Air and Hazardous Waste

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Enclosures

cc: R. Wilkosz, TSB  
P. Rayne, AFS  
Coeur d'Alene RO  
Lewiston RO  
Boise RO  
Twin Falls RO  
Pocatello RO  
Idaho Falls RO  
EPA, IOO  
Permit File Manual  
Source File (777-00043)  
COF



IDAHO DEPARTMENT  
OF HEALTH AND WELFARE

DIVISION OF  
ENVIRONMENTAL QUALITY

1410 North Hilton, Boise, ID 83706-1255, (208) 373-0502

Philip E. Batt, Governor

May 14, 1998

CERTIFIED MAIL # P 241 839 425

Richard L. Merrill  
J.K. Merrill & Sons  
1302 W. Siphon Rd.  
P.O. Box 4065  
Pocatello, Idaho 83205-4065

RE: P-980037, J.K. Merrill & Sons, Inc., Portable  
(Portable Rock Crusher)

Dear Mr. Merrill:

On April 9, 1998, the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ) received a Permit to Construct (PTC) application from J.K. Merrill & Sons, Inc., for a portable rock crushing facility. Based on review of the application and all applicable state and federal rules and regulations, DEQ finds that this project meets the provisions of IDAPA 16.01.01.200 (*Rules for the Control of Air Pollution in Idaho*). Enclosed is PTC No. 777-00043 which replaces the original PTC No. 3000-0043 for the portable rock crushing facility.

Enclosed is a copy of the portable equipment relocation form that is required to be completed and submitted to DEQ at least ten (10) days prior to relocation of any equipment covered by this permit. Also enclosed are copies of maps showing all nonattainment areas within the state of Idaho.

This permit does not release the permittee from compliance with all other applicable federal, state, local, or tribal laws, regulations, or ordinances including applicable requirements due to collocation of portable facilities.

Please pay particular attention to the reporting requirements contained in Paragraph E of the General Provisions section of the permit. This information is needed to properly track the progress of the permit. Please refer to the appropriate permit number when submitting reports required in the Reporting Requirements section of the permit.

You, as well as any other entity, may have the right to appeal this final agency action pursuant to the Idaho Department of Health and Welfare Rules, Title 5, Chapter 3, "Rules Governing Contested Case Proceedings and Declaratory Rulings," by filing a petition with the