



STATE OF IDAHO
DIVISION OF
ENVIRONMENTAL QUALITY

1445 North Orchard • Boise, Idaho 83706-2239 • (208) 373-0550

Dirk Kempthorne, Governor
C. Stephen Allred, Administrator

April 26, 2000

CERTIFIED MAIL # P 218 222 618

Mr. Larry Nelson, Treasurer-Secretary
Nelson-Deppe, Inc.
PO Box 1395
Nampa, ID 83653-1395

RE: P-000002, Nelson-Deppe, Inc., Portable
(Portable Rock Crusher, Permit to Construct No. 777-00209)

Dear Mr. Nelson:

On January 24, 2000, the Idaho Department of Health and Welfare, Division of Environmental Quality (DEQ) received a Permit to Construct (PTC) modification request from Nelson-Deppe, Inc. for a portable rock crushing facility. The facility is currently located in Payette County, Idaho. 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. 777-00209 for the portable rock crushing facility. This PTC supersedes the previously issued PTC 777-00209.

Enclosed is a copy of the Portable Equipment Registration and 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. With regard to collocation with another portable facility, conservative assumptions were used to derive the throughput limitations. If this throughput is too restrictive for a particular project, contact DEQ prior to collocation and request a detailed site-specific analysis.

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.

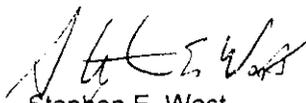
You are strongly encouraged to request a meeting with DEQ to discuss the permit terms and requirements with which your facility must comply. Mr. Thomas Krinke of the Boise Regional Office will contact you regarding this meeting. DEQ strongly recommends that in addition to your facility's plant manager, your responsible official, environmental contact, and any operations staff responsible for day-to-day compliance with permit conditions also attend the meeting.

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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 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. However, DEQ encourages you to contact the Air Quality Permit Program to address any concerns you may have with the enclosed permit prior to filing a petition for a contested case.

If you have any questions regarding the terms or conditions of the enclosed permit, please contact Thomas Krinke at (208) 373-0550.

Sincerely,



Stephen E. West
Administrator
Boise Regional Office

SEW/DH/tk/cm H:\TRANSFER\000002.PL

Enclosures

cc: DEQ State Office
EPA Region 10
Boise RO

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| STATE OF IDAHO PERMIT TO CONSTRUCT AN AIR POLLUTION EMITTING SOURCE | PERMIT NUMBER <div style="text-align: center;"> 7 7 7 - 0 0 2 0 9 </div> AOCR CLASS SIC <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px; text-align: center;">1</div> <div style="border: 1px solid black; width: 30px; height: 20px; text-align: center;">4</div> <div style="border: 1px solid black; width: 30px; height: 20px; text-align: center;">4</div> <div style="border: 1px solid black; width: 30px; height: 20px; text-align: center;">2</div> </div> ZONE UTM COORDINATE (km) <div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> <div style="border: 1px solid black; width: 30px; height: 20px;"></div> </div> |
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1. PERMITTEE
 Nelson-Deppe, Inc.

2. PROJECT
 Portable Rock Crushing Plant

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|-----------------------------------|---------------|-------------|------------------------|
| 3. MAILING ADDRESS PO Box 1395 | CITY Nampa | STATE ID | ZIP CODE 83653-1395 |
|-----------------------------------|---------------|-------------|------------------------|

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| 4. SITE LOCATION COUNTY Payette | NO. OF FULL-TIME EMPLOYEES 8 | PROPERTY AREA AT SITE (Acreage) Varies |
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| 5. PERSON TO CONTACT Larry Nelson | TITLE Secretary-Treasurer | TELEPHONE (208) 467-6581 |
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6. EXACT PLANT LOCATION
 Portable

7. GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS
 Rock Crushing (Including Aggregate, Asphalt, and Concrete Production when Collocated)

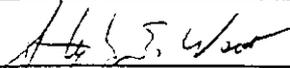
8. GENERAL CONDITIONS

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 may require Department approval pursuant to the *Rules for the Control of Air Pollution in Idaho*, IDAPA 16.01.01.200, et.seq.

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|  ADMINISTRATOR, BOISE REGIONAL OFFICE DIVISION OF ENVIRONMENTAL QUALITY | DATE: April 24, 2000 |
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**PERMIT TO CONSTRUCT
PERMITTEE, PROJECT, AND LOCATION**

PERMIT NUMBER

Nelson-Deppe, Inc.
Rock Crushing Plant
Portable

7 7 7 - 0 0 2 0 9

SOURCE

Portable Rock Crusher

A. STATEWIDE REQUIREMENTS

The Permittee shall comply with the following sourcewide conditions when the rock crushing facility is operated anywhere (nonattainment, attainment, or unclassifiable areas) within the state of Idaho.

A.1 EMISSION LIMITS

A.1.1 Crusher Opacity Limit

Particulate matter (PM) emissions from portable rock crushers shall not exhibit more than fifteen percent (15%) opacity. Opacity shall be determined using the procedures specified in IDAPA 16.01.01.625 (*Rules for the Control of Air Pollution in Idaho*).

A.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 ten percent (10%) opacity. Opacity shall be determined using the procedures specified in IDAPA 16.01.01.625.

A.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. Opacity shall be determined using the procedures contained in IDAPA 16.01.01.625.

A.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.

A.1.5 Generator Exhaust Grain Loading

The particulate matter (PM) emissions from the generator shall not exceed 0.05 grains per dry standard cubic foot of effluent gas adjusted to three percent (3%) oxygen by volume when Number 2 fuel oil (ASTM Grade 2) is combusted, as required in IDAPA 16.01.01.676.

A.2 OPERATING REQUIREMENTS

A.2.1 Number of Crushers and Generators

The rock crushing facility shall not use more than three (3) crushers and one (1) 1360-kilowatt (1360-kW) generator.

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SOURCE

Portable Rock Crusher

A.2.2 Reasonable Control of Fugitive Emissions

All reasonable precautions shall be taken to prevent PM 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 PM. Some of the reasonable precautions include, but are not limited to, the following:

A.2.2.1 Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands;

A.2.2.2 Application, where practical, of asphalt, oil, water or suitable chemicals to, or covering of dirt roads, material stockpiles, and other surfaces which can create dust;

A.2.2.3 Installation and use, where practical, of hoods, fans and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations;

A.2.2.4 Covering, where practical, of open-bodied trucks transporting materials likely to give rise to airborne dusts;

A.2.2.5 Paving of roadways and their maintenance in a clean condition, where practical; or

A.2.2.6 Prompt removal of earth or other stored material from streets, where practical.

A.2.3 Generator Fuel Sulfur Content

The sulfur content in the Number 2 fuel oil (ASTM Grade 2) supplied to the generator shall not exceed 0.5 percent by weight as required in IDAPA 16.01.01.728.

A.3 MONITORING AND RECORDKEEPING REQUIREMENTS

A.3.1 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 (e.g., water, environmentally safe chemical dust suppressants, spray bars, screen deck covers, 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 shall be made available to DEQ representatives upon request.

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**PERMIT TO CONSTRUCT
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Rock Crushing Plant
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Portable Rock Crusher

A.3.2 Monitor Facility Throughput

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

A.3.3 Monitor Generator Hours of Operation

The Permittee shall monitor and record the generator's hours of operation on a monthly basis if generator hours of operation are limited in sections B, C, or D of this permit. The most recent two (2) years' compilation of data shall be kept on site, in a log, and shall be made available to DEQ representatives upon request.

A.3.4 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, whichever occurs first, the Permittee shall conduct a performance test, according to 40 CFR 60.675 and IDAPA 16.01.01.157, 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.

A.4 REPORTING REQUIREMENTS

A.4.1 Performance Test Protocol

Prior to conducting any emission test, the Permittee is strongly encouraged to submit in writing to DEQ, at least thirty (30) days in advance, a performance test protocol in accordance with IDAPA 16.01.01.157.01.a.

A.4.2 Performance Test Report

In accordance with IDAPA 16.01.01.157.04, the Permittee shall submit a written report of the performance test results to DEQ within thirty (30) days of completion of the test.

A.4.3 Relocation

All existing portable equipment shall be registered, and at least ten (10) days prior to relocation of any equipment covered by this permit, the Permittee shall report the following information to DEQ (on registration/relocation forms supplied by DEQ) in accordance with IDAPA 16.01.01.500:

A.4.3.1 Exact location of the new site of operations;

A.4.3.2 Startup date at the new site of operations and the duration of operations at the new site;

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PERMIT NUMBER

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SOURCE

Portable Rock Crusher

A.4.3.3 Equipment to be used at the new site;

A.4.3.4 A scaled plot plan clearly showing the property boundary of the new site; and

A.4.3.5 Other permitted portable sources that the unit will be collocated with at the new site of operations (i.e., hot-mix asphalt plant, cement plant, or rock crusher).

A.4.4 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 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.

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PERMIT NUMBER

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SOURCE

Portable Rock Crusher

B. ATTAINMENT OR UNCLASSIFIABLE AREA REQUIREMENTS WHEN NOT COLLOCATED

The Permittee shall comply with the conditions in Section A of this permit and the following permit conditions when the rock crushing facility is operated in any attainment or unclassifiable areas, and when it is not collocated, within the state of Idaho.

B.1 OPERATING REQUIREMENTS

B.1.1 Facility Throughput Limits

The production rate of the rock crushing facility shall not exceed a maximum of two million eighty-one thousand two hundred eighty-nine tons per any consecutive 12-month period (2,081,289 T/yr) when located in any attainment or unclassifiable area.

B.1.2 Collocation Requirements

When the rock crushing facility is to be collocated with another portable rock crushing plant, concrete batch plant, or hot-mix asphalt plant, the collocation requirements of Section C of this permit must be complied with.

B.1.3 Generator Hours of Operation

The generator shall not be operated more than four thousand eight hundred eighty hours per any consecutive 12-month period (4,880 hr/yr) when located in any attainment or unclassifiable area.

B.1.4 Generator Emission Limits

Oxides of nitrogen (NOx) emissions from the generator stack shall not exceed ninety-nine tons per any consecutive twelve month period (99 tons/yr) when located in any attainment or unclassifiable area.

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SOURCE

Portable Rock Crusher

C. ATTAINMENT OR UNCLASSIFIABLE AREA REQUIREMENTS WHEN COLLOCATED

The Permittee shall comply with the conditions in Section A of this permit and the following permit conditions when the rock crushing facility is to be collocated with another portable rock crushing plant, concrete batch plant, or hot-mix asphalt plant within the state of Idaho. The rock crusher may only collocate with either one (1) portable concrete batch plant, one (1) portable hot-mix asphalt plant, or one (1) other portable rock crusher which has been permitted to specifically allow collocation.

C.1 OPERATING REQUIREMENTS

C.1.1 Collocation Areas

The rock crushing facility may collocate in attainment or unclassifiable areas only. The Permittee shall not collocate in a nonattainment area or proposed nonattainment area without obtaining a permit which specifically allows for collocation in a nonattainment area.

C.1.2 Number of Portable Sources

The rock crushing facility may only collocate with either one (1) portable concrete batch plant, one (1) portable hot-mix asphalt plant, or one (1) other portable rock crushing plant which has been permitted to specifically allow collocation.

C.1.3 Facility Throughput Limits

The production rate of the rock crushing facility shall not exceed a maximum of one million forty thousand six hundred forty-four tons per any consecutive 12-month period (1,040,644 T/yr) when collocated with another rock crushing plant, concrete batch plant, or hot-mix asphalt plant.

C.1.4 Generator Hours of Operation

The generator shall not be operated more than two thousand four hundred forty hours per consecutive 12-month period (2,440 hr/yr) when collocated with another rock crushing plant, concrete batch plant, or hot-mix asphalt plant.

C.1.5 Generator Emission Limits

Oxides of nitrogen (NOx) emissions from the generator stack shall not exceed forty-nine and five-tenths tons per any consecutive twelve month period (49.5 tons/yr) when collocated with another rock crushing plant, concrete batch plant, or hot-mix asphalt plant.

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D. NONATTAINMENT AREA REQUIREMENTS

The Permittee shall comply with the conditions in Section A of this permit and the following permit conditions whenever the rock crushing facility is operated in areas designated as nonattainment for particulate matter with an aerodynamic diameter of less than or equal to a nominal ten (10) microns (PM-10) within the state of Idaho. While operating the rock crushing facility under the conditions set forth in Section D, the rock crusher may not collocate with any other facility.

D.1 OPERATING REQUIREMENTS

D.1.1 Facility Throughput Limits

The production rate of the rock crushing facility shall not exceed a maximum of two million eighty-one thousand two hundred eighty-nine tons per any consecutive 12-month period (2,081,289 T/yr) when located in any PM-10 nonattainment area or proposed PM-10 nonattainment area.

D.1.2 Collocation Requirements

The rock crushing facility shall not be collocated with another portable rock crushing, concrete batch, or hot-mix asphalt plant when located in any PM-10 nonattainment area or proposed PM-10 nonattainment area.

D.1.3 Generator Hours of Operation

The generator shall not be operated more than four thousand eight hundred eighty hours per any consecutive 12-month period (4,880 hr/yr) when located in any PM-10 nonattainment area or proposed PM-10 nonattainment area.

D.1.4 Generator Emission Limits

Oxides of nitrogen (NOx) emissions from the generator stack shall not exceed ninety-nine tons per any consecutive twelve month period (99 tons/yr) when located in any PM-10 nonattainment area or proposed PM-10 nonattainment area.

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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 IDAPA 16.01.01.157 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 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 Startup - 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 startup. Such testing must **strictly** adhere to the procedures outlined in IDAPA 16.01.01.157, and shall not be conducted on weekends or state holidays without prior written DEQ approval. Testing procedures and specific time limitations may be modified by DEQ by prior negotiation if conditions warrant adjustment. DEQ shall be notified at least 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 DEQ upon request.
- The maximum allowable operating rate shall be limited to 120% of the average operating rate attained during any performance test period, for which a test protocol has been granted prior approval by DEQ, unless (1) the test demonstrates noncompliance, (2) a more restrictive operating limit is specified elsewhere in this permit, or (3) at such an operating rate, emissions would exceed any emission limit(s) set forth in this permit.
- 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.

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| DATE: April 24, 2000 |
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