



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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

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

March 2, 2010

Tony Martarano, Owner
C&A Paving Company, Inc.
4015 South Banner Street
Boise, Idaho 83709

RE: Facility ID No. 777-00221, C&A Paving Company, Inc., Boise
Final Permit Letter

Dear Mr. Martarano:

The Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-2009.0131 to C&A Paving Company, Inc. for the addition of used oil as a fuel in the HMA drum dryer at Boise, in accordance with IDAPA 58.01.01.200 through 228 (Rules for the Control of Air Pollution in Idaho).

This permit is based on your permit application received on October 20, 2009, and supplemental information provided on December 17, 2009. This permit is effective immediately and replaces PTC No. P-2009.0049, issued on September 25, 2009. This permit does not release C&A Paving Company, Inc. from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

Pursuant to 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 Boise Regional Office, 1445 N. Orchard St, Boise, Idaho 83706, Fax (208) 373-0287.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with Thomas Krinke, Air Quality Compliance Officer, at (208) 373-0419 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 Eric Clark at (208) 373-0502 or Eric.Clark@deq.idaho.gov to address any questions or concerns you may have with the enclosed permit.

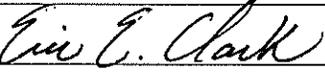
Sincerely,

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

Mike Simon
Stationary Source Program Manager
Air Quality Division

MS\EC

Project No. P-2009.0131

<p style="text-align: center;">Air Quality PERMIT TO CONSTRUCT State of Idaho Department of Environmental Quality</p>	PERMIT NUMBER	CLASS	SIC
	P-2009.0131	SM	2951
	FACILITY ID	AQCR	NAICS
	777-00221	Portable	324121
	ZONE	UTM COORDINATES (km)	
Portable	Portable		
PERMITTEE			
C&A Paving Company, Inc.			
PROJECT			
PTC Modification			
MAILING ADDRESS	CITY	STATE	ZIP
4015 South Banner Street	Boise	ID	83709
FACILITY CONTACT	TITLE	TELEPHONE	
Tony Martarano	Owner	208-362-4244	
RESPONSIBLE	TITLE	TELEPHONE	
Tony Martarano	Owner	208-362-4244	
EXACT PLANT LOCATION		COUNTY	
Portable (initial location is: 561,210 mE 4,815,484 mN)		Portable	
GENERAL NATURE OF BUSINESS & KINDS OF PRODUCTS			
Hot Mix Asphalt Production			
PERMIT AUTHORITY			
<p>This permit is issued according to the Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01.200 through 228, and 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.</p> <p>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 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.</p> <p>This permit will expire if construction has not begun within two years of its issue date or if construction is suspended for one year.</p> <p>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.</p>			
		DATE ISSUED	March 2, 2010
ERIC CLARK, PERMIT WRITER			
			
MIKE SIMON, STATIONARY SOURCE MANAGER			

PERMIT TO CONSTRUCT SCOPE 3
HOT MIX ASPHALT PLANT 4
PERMIT TO CONSTRUCT GENERAL PROVISIONS..... 14

PERMIT TO CONSTRUCT SCOPE

Purpose

1. This is a modification of a permit to construct to allow used oil as a fuel for the HMA plant.
2. Those permit conditions that have been modified or revised by this permitting action are identified by a date citation located directly under the permit condition and on the right hand margin.
3. This PTC modifies Permit to Construct No. P-2009.0049, issued on September 25, 2009.
4. The emission sources regulated by this permit are listed in the following table.

Table 1 REGULATED SOURCES

Emissions Units		Control Devices
<u>Hot Mix Asphalt Dryer</u>		Baghouse
Manufacturer:	CMI (drum mix)	
Maximum production :	240 T/hr	
Fuel:	natural gas, propane, distillate fuel oil ASTM Grade 1 or 2, used oil	
<u>Asphalt Tank Heater</u>		None
Fuel:	natural gas or propane, distillate fuel oil ASTM Grade 1 or 2	
<u>HMA plant generator</u>		None
Manufacturer:	Detroit Diesel	
Rated Output:	500 kW	
Built:	June 1984	
Sold:	June 18, 1984	
Fuel:	distillate fuel oil ASTM Grade1 or 2	

[March 2, 2010]

HOT MIX ASPHALT PLANT

Process Description

5. A portable Hot Mix Asphalt (HMA) plant use aggregate material that is mixed, heated and dried. The aggregate is then combined with liquid asphalt to create hot mix asphalt. This hot mix asphalt will be primarily used for road surfaces.
6. Emissions Control Description

The particulate matter (PM) and particulate matter with an aerodynamic diameter less than or equal to ten microns (PM₁₀) emissions from the HMA plant are controlled by a baghouse system. Table 2 below describes the control devices or control measures associated with the HMA plant.

Table 2 HOT MIX ASPHALT PLANT CONTROL DESCRIPTION

Emissions Units / Processes	Emission Control Devices	Emission Points
Hot Mix Asphalt Drum Dryer	Baghouse Good combustion control Use of permitted fuels	Baghouse Stack

Emissions Limits

7. NSPS 40 CFR 60, Subpart I – Standards for Particulate Matter

In accordance with 40 CFR 60.92, no owner or operator shall discharge or cause the discharge into the atmosphere from any HMA facility any gases which:

- Contain particulate matter in excess of 90 mg/dscm (0.04 gr/dscf);
- Exhibit 20% opacity or greater.

For purposes of applying the PM standards, in accordance with 40 CFR 60.90(a) a hot mix asphalt facility is comprised only of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.

[September 25, 2009]

8. Dryer Stack

The PM₁₀ emissions from the Dryer Stack shall not exceed any corresponding emissions rate limits listed in Table 3.

Table 3 HOT MIX ASPHALT PLANT EMISSIONS LIMIT^a

Source Description	PM ₁₀ ^b		NO _x
	lb/hr ^c	T/yr ^d	T/yr ^d
Dryer Stack	5.52	2.88	6.88

- a) In absence of any other credible evidence, compliance is assured 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 58.01.01.006.81.
- c) Pounds per hour, as determined by a test method prescribed by IDAPA 58.01.01.157, EPA reference method, or DEQ-approved alternative.
- d) Tons per any consecutive 12-calendar month period

[March 2, 2010]

9. Opacity Limit

Emissions from any stack, vent, or functionally equivalent opening 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.

10. Visible Emissions 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, 40 CFR Part 60, Appendix A, or a DEQ-approved alternative method.

11. Odor

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.

[September 25, 2009]

Operating Requirements

12. Asphalt Production Limits

To demonstrate compliance with the emissions limits, the production rate of asphalt shall not exceed all of the following limits:

- 240 tons per hr.
- 250,000 tons per any consecutive 12-calendar month period.
- Recycled Asphalt Pavement (RAP) may be used at a rate of up to 50% of the total production.

[March 2, 2010]

13. HMA Raw Materials

- The HMA plant shall process aggregate, asphalt cement, and recycled asphalt cement (RAP) as raw materials.
- RAP used as part of the aggregate shall not exceed 50 percent of the total HMA production in tons per calendar day, or 912 tons per calendar day, whichever is less.

[September 25, 2009]

14. Setback Distance Requirements

Setback distance is defined as the minimum distance from any emission source to property boundary. The setback distance in any direction to the property boundary shall be greater than or equal to 150 meters (492 feet).

[March 2, 2010]

15. Permitted Fuels

The dryer burner fuel shall combust natural gas or propane gas, ASTM Grade 1 or Grade 2 distillate fuel oil, or a mix of Grade 1 and Grade 2 distillate fuel oil with a maximum sulfur content of 0.5%S by weight or used oil with 0.5% sulfur content.

The asphalt tank heater fuel shall combust natural gas or propane gas, ASTM Grade 1 or Grade 2 distillate fuel oil, or a mix of Grade 1 and Grade 2 distillate fuel oil with a maximum sulfur content of 0.5%S by weight.

The generator shall combust ASTM Grade 1 or Grade 2 distillate fuel oil, or a mix of Grade 1 and Grade 2 distillate fuel oil with a maximum sulfur content of 0.5%S by weight.

[March 2, 2010]

16. 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 4. In addition, used oil shall not contain quantifiable levels (2 ppm) of polychlorinated biphenyls (PCB).

Table 4 USED OIL SPECIFICATIONS^a

Constituent/property	Allowable level
Arsenic	5 ppm 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 ^b	< 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. Applicable standards for the burning of used oil containing PCB are imposed by 40 CFR 761.20(e).

[March 2, 2010]

17. Reasonable Control of Fugitive Emissions

All reasonable precautions shall be taken to prevent particulate matter 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, 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.

18. Baghouse/Cartridge Filter Systems Control Equipment

The permittee shall install and operate the baghouse/cartridge filter system listed in Table 1 to control PM₁₀ emissions from the HMA plant.

[September 25, 2009]

19. Baghouse/Filter System Procedures

Within 60 days of permit issuance a Baghouse/Filter Procedures Document shall be submitted to the DEQ Boise Regional Office. 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 Provision 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 also include a schedule and procedures for corrective action that will be taken if visible emissions are present from the baghouse at anytime. 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 inspections in accordance with the Monitoring and Recordkeeping General Provision. The records shall include a description of whether visible emissions were present and if visible emissions were present a description of the corrective action that was taken.

The Baghouse/Filter System Procedures document shall be submitted to DEQ within 60 days of permit issuance for review and comment 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.

Air Quality Permit Compliance
Boise Regional Office
Department of Environmental Quality
1445 N. Orchard
Boise, ID 83706
Phone: (208) 373-0550

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

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

[March 2, 2010]

Monitoring and recordkeeping Requirements

20. Production Monitoring

The permittee shall monitor and record the daily production on a daily basis and the annual production on a monthly basis. Annual production shall be determined by summing each monthly production total over the previous consecutive 12-calendar month period. The recycled asphalt pavement usage shall be monitored and recorded on a daily basis, in tons per calendar day.

[September 25, 2009]

21. Visible Emissions/Opacity Monitoring – Facility-wide

Each month the permittee shall conduct a site-wide inspection of potential sources of visible emissions; including any stack, vent, or other functionally equivalent opening; during daylight hours and under normal operating conditions. The inspection shall consist of a see/no see evaluation for each potential source. If any visible emissions are present from any point of emission, the permittee shall either take appropriate corrective action as expeditiously as practicable, or perform a Method 9 opacity test in accordance with the procedures outlined in IDAPA 58.01.01.625. A minimum of 30 observations shall be recorded when conducting the opacity test. If opacity is greater than 20% for a period or periods aggregating more than three minutes in any 60-minute period, the permittee shall take all necessary corrective action and report the exceedance in accordance with IDAPA 58.01.01.130-136.

The permittee shall maintain records of the results of each visible emissions inspection and each opacity test when conducted. The records shall include, at a minimum, the date and results of each inspection and test and a description of the following: the permittee's assessment of the conditions existing at the time visible emissions are present (if observed), any corrective action taken in response to the visible emissions, and the date corrective action was taken.

[September 25, 2009]

22. Fugitive Dust Monitoring

Each day the permittee shall conduct a site-wide inspection of potential sources of fugitive emissions, during daylight hours and under normal operating conditions to ensure that the methods used to reasonably control fugitive emissions are effective, to demonstrate compliance with Emissions Limits – Visible Emission Limits at Property Boundary, and Operating Requirements – Reasonable Control of Fugitive Emissions. If fugitive emissions are not being reasonably controlled, the permittee shall take corrective action as expeditiously as practicable. The permittee shall maintain records of the results of each fugitive emissions inspection. The records shall include, at a minimum, the date of each inspection and a description of the following: the permittee's assessment of the conditions existing at the time fugitive emissions were present (if observed), any corrective action taken in response to the fugitive emissions, and the date the corrective action was taken.

The permittee shall monitor and record in a log, during operation, the periodic method(s) used to reasonably control 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.

[September 25, 2009]

23. Odor Complaints

The permittee shall maintain records of all odor complaints received. 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.

[September 25, 2009]

24. Setback Distance Monitoring

The permittee shall measure and record the minimum setback distance to demonstrate compliance with the setback requirement in Permit Condition 14:

- Before initial startup of any emissions source listed in Table 1;
- Each time the source is relocated.

Information recorded shall include, but not be limited to, a brief description of the nearest distance to any area where the general public has access, the minimum setback distance in meters or feet to an accuracy of plus or minus 6 feet, and a description of the method used to measure distance.

[March 2, 2010]

25. Used Oil Certification

The permittee shall demonstrate compliance with the used oil fuel specifications in Permit Condition 16 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 4;
- 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 4;
- The date and location of each sample; and
- The date of each certification analysis.

[March 2, 2010]

26. Fuel Sulfur Content Monitoring

The permittee shall maintain documentation of supplier verification of fuel oil and used oil sulfur content on an as-received basis.

[March 2, 2010]

Performance Testing Requirements – HMA Dryer

27. Test Methods

For any performance test required in this permit, the permittee shall use the test methods listed in Table 5 to measure the pollutant emissions.

Table 5 TEST METHODS

Pollutant	Test Method	Special Conditions
PM ₁₀	EPA Method 201.a EPA Method 202	
PM Grain Loading	EPA Method 5	The sampling time and volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf)
Opacity	EPA Method 9 and IDAPA 58.01.01.625	

[September 25, 2009]

28. NSPS 40 CFR 60, Subpart I – Initial PM₁₀ Performance Test

Performance testing on the Asphalt Dryer Baghouse stack shall be performed within 60 days after achieving the maximum permitted production rate stated in the asphalt production limit permit Condition, but not later than 180 days after initial startup of the HMA plant, in accordance with 40 CFR 60.8.

The initial performance test shall measure the PM₁₀ emission rate in grains per dry standard cubic feet and the opacity to demonstrate compliance with the emission limits in the particulate matter standard permit condition.

The performance test shall be conducted under worst-case normal operating conditions and in accordance with 40 CFR 60.93, 60.8, and 60.11; Permit Conditions 7, 30, and 31; and the Performance Test General Provision 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).

[March 2, 2010]

29. Periodic Performance Testing – PM₁₀, Opacity, and PM

Performance testing to measure PM₁₀, opacity and PM from the HMA Dryer Baghouse stack shall be performed no less than once every five years to demonstrate compliance with the emissions limits in this permit.

The performance test shall be conducted under worst-case normal operating conditions and in accordance with 40 CFR 60, Subpart A and the Performance Testing General Provision of this permit.

[September 25, 2009]

30. Performance Testing Monitoring and Recordkeeping

The permittee shall monitor and record the following during each performance test:

- The HMA production rate, in tons per hour, once every 15 minutes;
- The recycled asphalt pavement usage in tons per hour, once every 15 minutes;
- The type of fuel combusted in the HMA Dryer; and
- The visible emissions observed during the performance test.

[September 25, 2009]

31. NSPS 40 CFR 60, Subpart I, Performance Test Methods

- In accordance with 40 CFR 60.93(b) and 60.11(b), the permittee shall determine compliance with the particulate matter standards in Permit Condition 7 as follows:
 - EPA Reference Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.90 dscm (31.8 dscf).
 - EPA Reference Method 9 and the procedures in 40 CFR 60.11 shall be used to determine opacity.
- In accordance with 40 CFR 60.93(a), in conducting performance tests, the permittee shall use as reference methods and procedures the test methods in 40 CFR 60 Appendix A.
- In accordance with 40 CFR 60.11(e), for the purpose of demonstrating compliance, opacity observations shall be conducted concurrently with the performance test required by Permit Condition 29.

[March 2, 2010]

32. PM/PM₁₀ Performance Test Methods and Procedures

The permittee shall use EPA Methods 5 and 202 or such comparable and equivalent methods approved in accordance with Subsection 157.02.d to determine compliance with the particulate matter standard permit condition in accordance with IDAPA 58.01.01.700.04.

The permittee shall use EPA Method 9 to determine compliance with the opacity matter standard permit condition in accordance with IDAPA 58.01.01.625.04.

[March 2, 2010]

Reporting Requirements

33. Performance Test Reporting

Performance test reports shall include records of the monitoring required by this permit during the test, and documentation that the performance test was conducted under worst-case normal operating conditions and in accordance with IDAPA 58.01.01.157. Performance test reports shall be submitted by the permittee to the following address:

Air Quality Permit Compliance
Boise Regional Office
Department of Environmental Quality
1445 N Orchard Street
Boise, ID 83706

Phone: (208) 373-0550
Fax: (208) 373-0287

[March 2, 2010]

34. Relocation

At least 10 days prior to relocation of the equipment listed in Table 1, the permittee shall submit a scaled plot plan and a complete Portable Equipment 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

The scaled plot plan shall show the location of the emissions sources listed in Table 1, and distances to any area outside of a building where the general public has access, including property boundaries.

Electronic copies of the PERF may be obtained from the DEQ website:

http://www.deq.idaho.gov/air/permits_forms/forms/ptc_relocation.pdf

http://www.deq.idaho.gov/air/permits_forms/forms/ptc_relocation.doc

Should the permittee relocate out of Ada or Canyon counties and combust used oil at the new location an updated modeling compliance demonstration must be performed. This would require a modification to the current permit.

[March 2, 2010]

35. NSPS 40 CFR 60, Subpart A- General Provisions

The permittee shall comply with the applicable requirements of 40 CFR 60, Subpart A – General Provisions in accordance with 40 CFR 60.1. A summary of requirements for affected facilities is provided in Table 6.

Table 6 NSPS 40 CFR 60 Subpart A – General Provisions

Section	Section Title	Summary of Section Requirements
60.4	Address	<ul style="list-style-type: none"> All notifications and reports shall be submitted to: Department of Environmental Quality Boise Regional Office 1445 N Orchard Street Boise, ID 83706
60.7(a),(b),(c), (d) and (f)	Notification and Record Keeping	<ul style="list-style-type: none"> 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.
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 is determined by Method 9 of Appendix A. 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 credible evidence may be used if the appropriate performance or compliance test procedure has been performed.
60.12	Circumvention	<ul style="list-style-type: none"> 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.
60.14	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.
60.15	Reconstruction	<ul style="list-style-type: none"> An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate in accordance with the requirements of 40 CFR 60.15.

[September 25, 2009]

36. Non-Attainment Areas

The permittee shall not relocate and operate any equipment listed in Table 1 in any PM_{2.5} or PM₁₀ nonattainment area.

Contact DEQ for current nonattainment area status and more specific details about the nonattainment area boundaries. The geographical locations of nonattainment areas in Idaho may be found online at: http://www.deq.idaho.gov/air/data_reports/monitoring/overview.cfm#AttvNon.

[March 2, 2010]

37. Collocation

The emission sources listed in Table 1 may not co-locate with any other source of emissions. Specifically, the HMA plant may not operate at a site where co-contributing emissions sources such as other HMAs, rock crushing plants, or concrete batch plants are operating. Emissions sources are considered co-contributing if they operate within 1,000 feet (305 meters) of each other. To demonstrate compliance, the distance shall be measured and recorded each time the HMA plant relocates to a new site or moves to another location within their current site.

[September 25, 2009]

38. Incorporation of Federal Requirements by Reference

Unless expressly provided otherwise, any reference in this permit to any document identified in IDAPA 58.01.01.107.03 shall constitute the full incorporation into this permit of that document for the purposes of the reference, including any notes and appendices therein. Documents include, but are not limited to:

- Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 60

For permit conditions referencing or cited in accordance with any document incorporated by reference (including permit conditions identified as NSPS or NESHAP), should there be any conflict between the requirements of the permit condition and the requirements of the document, the requirements of the document shall govern, including any amendments to that regulation.

[March 2, 2010]

PERMIT TO CONSTRUCT GENERAL PROVISIONS

General Compliance

39. 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.]**
40. 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]**
41. 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

42. 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 or 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

43. The permittee shall furnish DEQ written notifications as follows in accordance with IDAPA 58.01.01.211:
- A notification of the date of initiation of construction, within five working days after occurrence;
 - A notification of the date of any suspension of construction, if such suspension lasts for one year or more;
 - 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;
 - A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date; and
 - A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date.

Performance Testing

44. 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, at its option, may 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.
45. 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.
46. 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

47. 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

48. 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]

Certification

49. 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

50. 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

51. 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

52. 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

53. 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]