



Request for Coverage under the General Air Quality Permit for New or Modified Minor Source Stone Quarrying, Crushing, and Screening Facilities in Indian Country

Technical Support Document

Permittee: Seubert Excavators
P.O. Box 57
Cottonwood, Idaho 83522

Project Name: Seubert Portable Stone Quarrying, Crushing, and Screening Facility – Plant #3

Locations:

| Site Name* | Street Address* | City/Town | Area of Indian Country |
|--------------------|------------------------------|----------------|------------------------|
| Brandt Quarry | 46° 13' 20" N 116° 28' 21" W | Unincorporated | Nez Perce Reservation |
| Braun Quarry | 46° 21' 41" N 116° 14' 53" W | Unincorporated | Nez Perce Reservation |
| Clear Creek Quarry | 46° 07' 11" N 115° 56' 36" W | Unincorporated | Nez Perce Reservation |
| Gauksheim Quarry | 46° 12' 37" N 116° 24' 44" W | Unincorporated | Nez Perce Reservation |
| Howell Quarry | 46° 09' 04" N 115° 58' 24" W | Unincorporated | Nez Perce Reservation |
| Kinzer Quarry | 46° 08' 02" N 116° 30' 50" W | Unincorporated | Nez Perce Reservation |
| Roberts Quarry | 46° 08' 15" N 116° 03' 46" W | Unincorporated | Nez Perce Reservation |
| Summers Quarry | 46° 28' 53" N 116° 35' 49" W | Unincorporated | Nez Perce Reservation |

*Approval is for operation within the previously disturbed portion of each existing quarry only.

Source Contact: Christopher Rehder, (208) 962-3314, seubexcr@gmail.com

Date: May 18, 2018

Permit #: R10TNSR00900

Background

The Clean Air Act (CAA) provides the U.S. Environmental Protection Agency (EPA) with broad authority to protect air resources throughout the nation, including air resources in Indian Country. Unlike States, Indian Tribes are not required to develop CAA new source review (NSR) permitting programs. See, e.g., Indian Tribes: Air Quality Planning and Management, 63 Fed. Reg. 7253 (Feb. 12, 1998) (also known as the Tribal Authority Rule). In the absence of an adequately implemented EPA-approved NSR program, in 2011, the EPA finalized the Tribal NSR Rule, codified at 40 CFR Part 49, as part of a Federal Implementation Plan in order to protect tribal air resources from impacts due to the construction of new or modified stationary sources of air pollutants. 76 Fed. Reg. 38748 (July 1, 2011). Among other requirements, the Tribal NSR Rule set forth procedures and terms under which the Agency would administer a minor NSR permitting program in Indian Country.

As part of the Tribal NSR Rule, the EPA adopted the option of developing general permits for certain categories of minor sources to which the Tribal NSR Rule would apply. The purpose of a general permit is to provide for the protection of air quality while simplifying the permit issuance process for similar

facilities in order to minimize the burden on the reviewing authority and the regulated sources. The EPA finalized the General Air Quality Permit for New or Modified Minor Source Stone Quarrying, Crushing, and Screening Facilities (SQCS General Permit) in Indian Country effective June 1, 2015 (80 Fed. Reg. 25068 (May 1, 2015)). New and modified minor sources that are true minor sources or major sources seeking to become synthetic minor sources may apply for coverage under the SQCS General Permit if their potential to emit for new, modified, and existing units is below major source thresholds and the source can meet the throughput limits and other terms and conditions set forth in the General Permits. Sources seeking coverage under this General Permit must also demonstrate that they meet certain additional eligibility criteria.

This Technical Support Document (TSD) describes Region 10’s analysis of the Applicant’s Request for Coverage for the Project and our determinations concerning this request.

Request for Coverage under SQCS General Permit

On September 9, 2015, Region 10 received an initial Request for Coverage under the SQCS General Permit from Seubert Excavators, Incorporated (Seubert) to operate as a synthetic minor source on the Nez Perce Reservation located in North Central Idaho. This Request for Coverage was certified and signed as being true, accurate and complete by Christopher Rehder on September 2, 2015. The project for which SQCS General Permit coverage is sought is the operation of a portable SQCS facility, which will entail operation of the portable equipment at several existing active quarries within the exterior boundaries of the Nez Perce Reservation (the Project). Seubert is considered the “Applicant” and the “Permittee” for the Project.

This Approval and the SQCS General Permit authorize the Permittee to operate the Project within the previously disturbed portion of each existing quarry only at the locations listed below (see also attached map).

| Site Name | Street Address | City/Town | Area of Indian Country |
|--------------------|------------------------------|------------------|-------------------------------|
| Brandt Quarry | 46° 13' 20" N 116° 28' 21" W | Unincorporated | Nez Perce Reservation |
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The geographic area where the SQCS will be located is designated as either attainment/unclassifiable or unclassifiable under the CAA for all National Ambient Air Quality Standards (NAAQS) pollutants. The available information on air quality in the area shows that ambient concentrations are well below the levels of the NAAQS. The SQCS General Permit contains limits on emissions and operations sufficient to ensure that the SQCS is not a major source and to ensure that emissions would not cause or contribute to a violation of any NAAQS. Region 10 believes that the SQCS General Permit is appropriately protective of the NAAQS.

Approval of Request for General Permit Coverage

Based on a review of and reliance on all of the information and representations provided in the Request for Coverage and other relevant information, Region 10 has determined that the Project meets all the criteria for coverage under the SQCS General Permit and is approving the Request for Coverage for the Project. Region 10's review with respect to the criteria is discussed in more detail below.

Equipment Description

Table 1. Seubert Plant #3 List of Affected Emission Units Covered by this Approval of Request for SQCS General Permit Coverage

| ID # | Description of Affected Emission Units | | | | |
|-------------------|--|------------------------|--------------------|------------|-----------------------|
| | Make | Model | Manufacturing Date | Serial No. | Capacity (tons/year) |
| CR1 (1 of 2) | Nordberg Jaw | C110 | 2000 | 3148 | 500 |
| | Lippman | 6065 | 2002 | 2002-12118 | |
| CR2.1 (1 of 2) | Johnson Cone | Ultra 58" Cone | 1979 | 1 | 400 |
| | Nordberg Cone | Omni 1560 | 1989 | 1560-279 | |
| CR2.2 (1 of 2) | Nordberg Cone | HP 400 | 1995 | HP400-119 | 400 |
| | Johnson Cone | Ultra 58" Cone | 1982 | 113 | |
| CR3.1 (1 of 5) | Roll Crusher (Cedar Rapids) | 55x30 | 1967 | 34036 | 400 |
| | Johnson Cone | Ultra 58" Cone | 1979 | 1 | |
| | Canica Impact | 82 | 1983 | 821173121 | |
| | Canica Impact | 95 | 1988 | 07114-88 | |
| | Barmac Impact | Rotopactor | 1988 | 976.3.88 | |
| CR3.2 (1 of 2) | Roll Crusher (Cedar Rapids) | 41x30 | 1974 | 24403 | 400 |
| | Johnson Cone | Ultra 58" Cone | 1982 | 113 | |
| SC1 (1 of 2) | Johnson Crushing Int'l | 2 Deck – 6x16 | 2009 | S082205 | 500 |
| | Eljay (Cedar Rapids) | 2 Deck – 6x16 | 1994 | 34C0894 | |
| SC2 | Johnson Crushing Int'l | 2 Deck – 6x16 | 1996 | 96H06C32 | 500 |
| SC3 | Johnson Crushing Int'l | 2 Deck – 6x16 | 2007 | S072096 | 500 |
| SC4 (1 of 2) | Johnson Crushing Int'l | 2 Deck – 6x16 | 2009 | S082205 | 400 |
| | Eljay (Cedar Rapids) | 2 Deck – 6x16 | 1994 | 34C0894 | |
| Conveyors | 25 total conveyors, 21 Transfer Points | Various | Various | | - |
| Genset | Caterpillar | Model 3516 (#2 Diesel) | 12/15/1988 | - | 1500 brake horsepower |

Eligibility Criteria

Based upon our review of the Request for Coverage, Region 10 has determined the Project qualifies for the SQCS General Permit because it meets the following criteria:

- The Project is for a synthetic minor SQCS facility, see Potential to Emit Section below;
- The Project only processes non-metallic materials (i.e., sand, gravel, rock, or stone).
- The Permittee has agreed to comply with Condition 15 of the SQCS General Permit limiting non-metallic material input not to exceed 1,100,000 tons-per-month based on a 12-month rolling average. The Project will not be co-located with a hot mix asphalt plant.
- The Project is located in an attainment/unclassifiable or unclassifiable areas for all NAAQS pollutants.
- As discussed further below, the Applicant has met the eligibility criteria related to listed species, historic properties, and environmental justice.

Potential to Emit (in tons/year)

Potential to emit (PTE) means the maximum capacity of a stationary source to emit an air pollutant under its physical and operational design. The SQCS General Permit includes enforceable physical or operational limitations on the maximum capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on the type or amount of material combusted, stored, or processed. PTE is meant to be a worst case emissions calculation and is used in many cases to determine the applicability of federal CAA requirements. Actual emissions are typically lower than PTE. Our evaluation of whether the Project qualifies for the SQCS General Permit included consideration of the limitations on PTE in the SQCS General Permit.

The Tribal NSR Rule establishes specific PTE thresholds for new or modified stationary sources that trigger the requirement to obtain a preconstruction permit under the Tribal Minor NSR program. See Table 2.

Table 2. Tribal Minor NSR Permitting Thresholds (tons per year)

| Pollutant | Nonattainment Areas | Attainment Areas |
|--------------------|----------------------------|-------------------------|
| CO | 5 | 10 |
| NOx | 5 | 10 |
| SO2 | 5 | 10 |
| VOC | 2 | 5 |
| PM | 5 | 10 |
| PM10 | 1 | 5 |
| PM2.5 | 0.6 | 3 |
| Lead | 0.1 | 0.1 |
| Fluorides | NA | 1 |
| Sulfuric acid mist | NA | 2 |
| Hydrogen sulfide | NA | 2 |

| Pollutant | Nonattainment Areas | Attainment Areas |
|--------------------------|----------------------------|-------------------------|
| Total reduced sulfur | NA | 2 |
| Reduced sulfur compounds | NA | 2 |

Projects at new or modified sources that must obtain Tribal Minor NSR program preconstruction permits based on PTE at or above these Tribal minor NSR thresholds may qualify for coverage under a Tribal Minor NSR general permit in lieu of obtaining a site-specific permit. In order to qualify for the SQCS General Permit, the new or modified source must have a PTE below the major NSR source thresholds and meet criteria related to the size of equipment and maximum production rates at the source and other eligibility criteria. If a new or modified source does not meet the specified criteria, the source does not qualify for coverage under the SQCS General Permit and must apply for a site-specific Tribal NSR permit or other applicable NSR permit.

In this case, Seubert determined that the Project triggered the preconstruction permit requirements under the Tribal Minor NSR Rule and is seeking to obtain coverage under the SQCS General Permit in lieu of obtaining a site-specific permit. As such, Region 10 has taken into account the enforceable limitations under the SQCS General Permit in determining the PTE for the Project, whether it is a major source, and whether it is eligible for the SQCS General Permit.

The Project’s PTE does not exceed the applicable CAA NSR major source thresholds in attainment areas (100 tons per year for each pollutant) based on a maximum throughput limited by the SQCS General Permit of 1,100,000 tons of raw material per month. The emissions contained in Table 3 below were calculated using the EPA’s Potential to Emit Calculator for Stone Quarrying, Crushing, and Screening (Final) (xls) (1 pg, 1 MB, 08/23/16) obtained at <https://www.epa.gov/tribal-air/5-source-categories-stone-quarrying-crushing-and-screening-facilities-final-rule>. Accordingly, the Project’s potential emissions are at a level that qualifies it for coverage under the SQCS General Permit.

Table 3. Stone Quarrying, Crushing, and Screening Facility Potential to Emit Summary (includes controls in SQCS General Permit)

| Process | Pollutant (tons/year) | | | | | | |
|----------------|------------------------------|------------------------|-------------------------|-----------------------|-----------------------|-----------|------------|
| | PM | PM₁₀ | PM_{2.5} | SO₂ | NO_x | CO | VOC |
| SQCS Facility | 32.85 | 15.01 | 5.89 | 0.08 | 89.64 | 36.14 | 4.63 |

Listed Species-Related Eligibility Criteria

The EPA developed eligibility criteria related to species that are listed as endangered or threatened under the federal Endangered Species Act that applicants must satisfy to qualify for coverage under the SQCS General Permit. Appendix A to the Request for Coverage form for the SQCS General Permit provides detailed screening procedures for applicants to follow to assess the potential impacts of their sources on federally-listed species and their critical habitat. To be eligible for coverage under a General Permit, sources must demonstrate that they have satisfactorily completed the screening procedures and that they meet one of the species-related eligibility criteria, provide sufficient documentation supporting the criterion selected, and obtain confirmation from the EPA that they have done so.

The Request for Coverage states that the Project meets Criterion B of Appendix A with respect to listed species protection. The Request for Coverage included information pertaining to the Project and supporting their selection of Criterion B of Appendix A. Based on habitat requirements and an analysis of the available habitat within the boundaries of the proposed Project locations and the respective action areas, the information shows that listed species could exist in the Project's action area. In accordance with the Criterion B procedures, Region 10 requested review of the proposed eight sites from the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS). Also, Region 10 specifically requested that the FWS and NMFS consider the impacts of particulate air emissions, invasive weed species, and stormwater and sediment runoff to the listed threatened and endangered species (steelhead and bull trout) and their critical habitat, that may exist in surface waters adjacent to the sites of operation (see Seubert Request for Coverage, Appendix A-1, dated September 1, 2015). The FWS and NMFS conducted their review under the ESA and considered the specific impacts expressed by Region 10 as stated above. In an email dated January 3, 2018, the reviews of the FWS and NMFS concluded that impacts from stormwater and sediment runoff based on the operation of an SQCS facility under the EPA's General Permit are likely to adversely affect the listed threatened or endangered species or their critical habitat under the ESA at six of the eight sites proposed for operation of the portable SQCS facility. Previously, in an email to Region 10, dated April 16, 2016, the applicant through their consultant indicated that they will obtain the necessary EPA stormwater permits if the EPA has not previously issued such permits that would allow for the operation of a portable SQCS facility at these eight sites. Per Appendix A, if the applicant is able to implement appropriate measures, in this case obtaining the necessary EPA stormwater permits, to avoid the likelihood of adverse affects, then the applicant may select Criterion B (see page 20 of SQCS Request for Coverage).

After review and consideration of this information, Region 10 agrees that the Applicant has completed the species-related screening procedures and has demonstrated by providing the appropriate information that the proposed Project meets Criterion B of the listed species-related eligibility criteria for coverage under the SQCS General Permit. Per Appendix A of the Request for Coverage, this SQCS facility would meet Criterion B because Seubert has stated they will obtain and implement the necessary EPA stormwater permits for each of the approved sites to avoid the likelihood of adverse affects from stormwater and sediment runoff as identified by the FWS and NMFS reviews.

The EPA stormwater program has been notified that the eight sites listed in the approval letter are being approved for coverage under the EPA's SQCS General Permit and that the applicant will apply for the necessary stormwater permits prior to beginning operation.

Historic Properties-Related Eligibility Criteria

The EPA developed the screening process in Appendix B of the Request for Coverage form to enable source owners/operators to appropriately consider the potential impacts, if any, resulting from the construction, modification, and/or operation of a new or modified emission source on historic properties and, if applicable, determine whether actions can be taken to mitigate any such impacts. To be eligible for coverage under the SQCS General Permit, sources must demonstrate that they have satisfactorily completed the screening procedures and that they meet one of the historic property-related eligibility criteria, provide sufficient documentation supporting the criterion selected, and obtain confirmation from the EPA that they have done so.

With respect to the Project, the Applicant indicated in the Request for Coverage that the screening process in Appendix B of the Request for Coverage form had been completed to determine if the construction, modification or operation of the Project has the potential to cause effects to historic properties. The Request for Coverage indicated that no historic properties would be affected by the Project. This conclusion was based on the fact that the sources are existing quarries and prior earth disturbances preclude the existence of historic properties in the area, both in the quarries and on the access roads. On the Nez Perce Reservation, the Tribal Historic Preservation Officer (THPO) is the lead for the historical preservation program. Region 10 contacted the THPO for input on the proposed site locations regarding historic properties and cultural issues. After reviewing the information available and the proposed site locations, the THPO concurred that there will not be any historical or cultural issues as long as Seubert locates their equipment and operation within the previously disturbed areas of the quarries.

Region 10 has concluded that the Project meets one of the historic property-related eligibility criteria, in this case, “no historic properties affected.” Region 10 has concluded that the Project is consistent with the historic property-related eligibility criterion for coverage under the SQCS General Permit, based on the review provided by the Nez Perce Tribe’s THPO.

Environmental Justice

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies and activities on minority populations and low-income populations in the United States.

The EPA believes the human health or environmental risk associated with this action will not have disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations. EPA’s primary goal in developing the SQCS General Permit is to ensure that air resources in Indian Country will be protected in the manner intended by the CAA. The SQCS General Permit will reduce adverse impacts by restricting operations and emissions. In addition, the SQCS General Permit is part of a flexible preconstruction permitting program for minor sources in Indian Country that is comparable to similar programs in neighboring states in order to create a more level regulatory playing field for owners and operators within and outside of Indian Country. The SQCS General Permit will reduce an existing disparity by filling the regulatory gap. Therefore, this final action will not have a disproportionately high and adverse human health or environmental effects on minorities, low-income, indigenous populations in the United States.

Tribal Consultation

On June 15, 2015, Region 10 sent a letter to the Chairman of the Nez Perce Tribe offering consultation on this EPA permitting action. In addition, Region 10 provided a copy of the request for coverage application as well as a copy of the draft approval letter and technical support document to the Nez Perce tribal environmental authority. The Nez Perce Tribe did not request consultation.

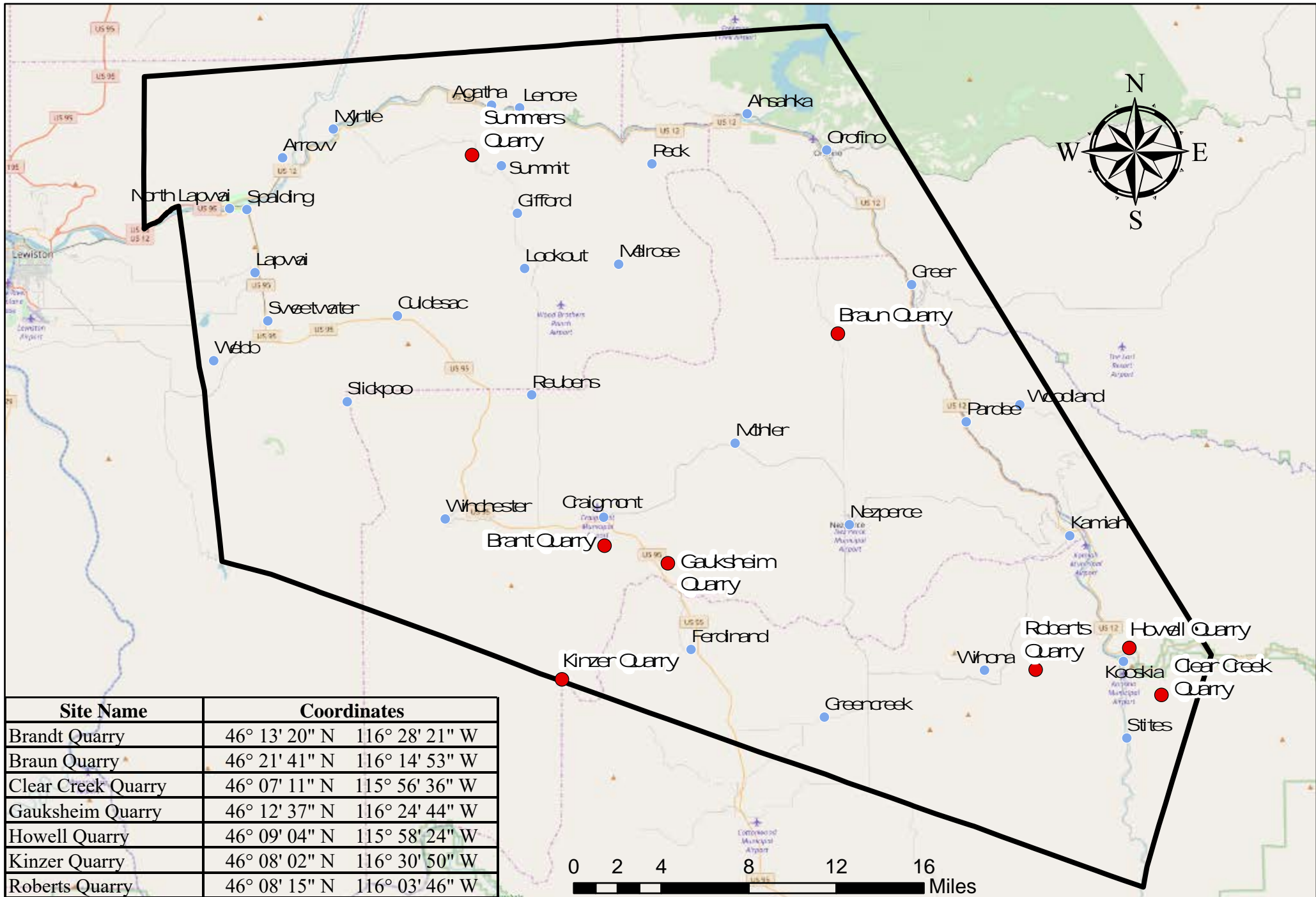
Public Participation

As described in 40 CFR 49.157, issuance of general permits pursuant to the Tribal NSR Rule must meet public participation requirements. Before issuing a permit under the Tribal NSR program, the EPA must prepare a draft permit and must provide adequate public notice to ensure that the affected community and the general public have access to the draft permit information. The public notice must provide an opportunity for a 30-day public comment period and notice of a public hearing, if any, on the draft permit. Consistent with these requirements, during the development of the proposed SQCS General Permit, the EPA followed the applicable public participation process and received numerous comments. The EPA considered and addressed these comments in its issuance of the final SQCS General Permit (See 80 Fed. Reg. 25068 (May 1, 2015)).

For coverage of a particular source under the SQCS General Permit, Region 10 is required to provide the public an opportunity to comment on whether the source meets the criteria for coverage under the general permit. Region 10 accomplishes this by posting the request for coverage of a particular source on Region 10's air permits website prior to the issuance of any decision to approve or deny the request for coverage. Region 10's air permits website can be found at: <https://www.epa.gov/caa-permitting/air-permits-issued-epa-region-10>.

Region 10's Approval of the Request for Coverage for the Project is a final agency action for purposes of judicial review only for the issue of whether the Project is eligible for coverage under the SQCS General Permit (see 40 CFR 49.156(e)(6)).

Quarry Locations in the Nez Perce Reservation



| Site Name | Coordinates |
|--------------------|------------------------------|
| Brandt Quarry | 46° 13' 20" N 116° 28' 21" W |
| Braun Quarry | 46° 21' 41" N 116° 14' 53" W |
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