



# 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:** Camas Gravel Company  
616 W N Street  
Grangeville, ID 83530

**Project Name:** Camas Gravel Company – Casino Pit

**Location:** Casino Pit  
Lewiston, Idaho  
Lewiston County  
Nez Perce Reservation  
Latitude: 46.438948° N; Longitude: 116.903353° W

**Source Contact:** Tim Kashmitter  
(208) 983-0800  
camasgravel@hotmail.com

**Date:** October 18, 2023

**Permit #:** R10TNSR03500

## 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. In 2011, the EPA finalized the Tribal New Source Review (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 where there is no EPA-approved NSR program. 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. See 40 CFR 49.156. 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 the 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 Permit. Sources seeking coverage under this General Permit must also demonstrate that they meet certain additional eligibility criteria.

This Technical Support Document (TSD) describes EPA 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 July 14, 2023, EPA Region 10 received an official Request for Coverage under the SQCS General Permit from Knife River Corporation on behalf of Camas Gravel Company (Camas Gravel) to construct and operate a SQCS facility synthetic minor source on the Nez Perce Reservation (the Project). The request included one location, the Casino Pit, which is within the exterior boundaries of the Nez Perce Reservation in Idaho. This plant has previously been approved for operation in Indian Country at the Hasselstrom Pit also located within the exterior boundaries of the Nez Perce Reservation in Idaho. Additional information was requested by EPA Region 10 on August 17 and received on August 21 and October 11, 2023. Camas Gravel is considered the "Applicant" and the "Permittee" for the Project.

### **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, EPA Region 10 has determined that the Project qualifies for coverage under the SQCS General Permit because it meets all of the required criteria. In particular, and as further described below:

- The Project is for a synthetic minor SQCS plant that only processes nonmetallic materials with a combination of crushers and screens and is located within Indian Country.
- The Project is located in an attainment, unclassifiable or attainment/unclassifiable area for all National Ambient Air Quality Standards (NAAQS) pollutants.
- The Project will not be co-located with another operation, and total raw material throughput will be less than 1,100,000 tons per month on a 12-month rolling average to limit emissions of regulated NSR pollutants to less than 100 tons per year.
- The Applicant has met the eligibility criteria related to federally-listed species/habitats and has completed the screening process for historic properties.

This Approval and the SQCS General Permit authorize the Permittee to operate the Project within the exterior boundaries of the Nez Perce Reservation at the location described on page 1 of this TSD (Casino Pit).

### **Project Description**

The Casino Pit is a previously used quarry. Surface and mineral rights are owned by the Nez Perce Tribe. Knife River has contracted with the owner to remove sand and gravel, and Camas Gravel is subcontracted to process the aggregate for an upcoming project. The crushing operation is temporary and will not be located on site for more than 12 months. It is possible that Camas Gravel could return to the site to process gravel at a later date for a separate construction project as the landowner operates the site as a permanent gravel source. No other operations (concrete batching, HMA production, or crushing operations) will be collocated with this equipment at this site. The SQCS plant has a design capacity of 180 tons per hour of crushed rock (see the emission unit descriptions below).

### Camas Gravel SQCS Plant List of Affected Emission Units

ID #	Description of Affected Emission Units	Controls
110	<b>Primary Crusher:</b> Metso C110; manufactured 2004; 400 tons/hour capacity	Water spray
114	<b>Secondary Crusher:</b> Nordberg 1352; manufactured 1985; 400 tons/hour capacity	Water spray
115	<b>Tertiary Crusher:</b> Metso HP500; manufactured 2006; 250 tons/hour capacity	Water spray
122	<b>Screen:</b> JCI 8x20; 250 tons/hour capacity; manufactured 2010	Water spray
200 (1-2)	<b>Conveyors (2):</b> primary crusher/screen material; 400 tons/hour capacity	Water spray
200 (3-4)	<b>Conveyors (2):</b> secondary crusher/screen material; 400 tons/hour capacity	Water spray
200 (5-12)	<b>Conveyors (8):</b> tertiary crusher/screen material; 250 tons/hour capacity	Water spray
200 (13-14)	<b>Conveyors (2):</b> fines crusher/screen material; 250 tons/hour capacity	Water spray
28	<b>Diesel Storage Tank:</b> 5,600 gallons distillate fuel oil for use in portable, non-road generator	None

#### Ambient Air Quality

The geographic area where the Project will be located is designated attainment or attainment/unclassifiable under the CAA for all NAAQS pollutants. The Nez Perce Reservation is in attainment with the fine particulate (PM<sub>2.5</sub>) national ambient air quality standard (NAAQS) and “unclassified” for all other criteria pollutants. An area is unclassifiable when there is insufficient monitoring data to determine compliance with the NAAQS. The Nez Perce tribe operated a regulatory PM<sub>2.5</sub> monitor in Kamiah from 2005 to 2007. The 24-hour PM<sub>2.5</sub> design value for that period was 28 µg/m<sup>3</sup>, which is below the PM<sub>2.5</sub> 24-hour NAAQS of 35 µg/m<sup>3</sup>. Also, the annual average PM<sub>2.5</sub> concentration for 2005 to 2007 was 9.6 µg/m<sup>3</sup>, which was in attainment with the annual PM<sub>2.5</sub> NAAQS of 15 µg/m<sup>3</sup>. In a December 22, 2008 letter to the Nez Perce tribe, EPA declared that the Nez Perce reservation attained the PM<sub>2.5</sub> NAAQS. Currently, measurements taken by a non-regulatory ambient air monitor operating by the Nez Perce at the Kamiah site indicate that the area continues to attain the PM<sub>2.5</sub> NAAQS.

#### Emissions

A source in an attainment area must obtain a major source construction permit if its emissions of regulated NSR pollutants will be greater than 100 tons per year for listed source categories and 250 tons per year for non-listed categories. A source in an attainment area must obtain a major source operating permit if its emissions will be greater than 100 tons per year for regulated pollutants and 250 tons per year for PM. A source must obtain a minor NSR permit if its emissions are less than the major source construction permitting thresholds, but more than the minor NSR permitting thresholds in the table below. Permit limitations, also called synthetic minor limits, are considered in determining whether a source will be a major source.

**Tribal Minor NSR Permitting Thresholds (tons per year)**

<b>Pollutant</b>	<b>Nonattainment Areas</b>	<b>Attainment Areas</b>
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
Total reduced sulfur	NA	2
Reduced sulfur compounds	NA	2

A new or modified source that is required to obtain a minor NSR permit may qualify for coverage under a minor NSR general permit in lieu of obtaining a site-specific permit. To qualify for the General Permit, the new or modified source must meet the eligibility criteria in the Request for Approval (see the Approval of Request for General Permit Coverage section above) and be able to comply with the limitations in the General Permit. If a new or modified source does not meet the specified criteria or cannot comply with the limitations in the General Permit, the source does not qualify for coverage under the General Permit and must apply for a site-specific minor NSR permit or other applicable NSR permit.

The SQCS General Permit includes enforceable physical or operational limitations on the maximum capacity of the source to emit air pollutants, including air pollution control equipment and restrictions on the type or amount of material combusted, stored or processed. The permit is designed to ensure emissions remain below the major source construction and operating permit thresholds. The SQCS General Permit also includes restrictions designed to limit emissions below the major source permitting thresholds. When an SQCS facility is co-located (two operations functioning as one source at the same location) with a HMA plant, emissions from both sources must be totaled to determine the applicable permitting program. Both general permits include special limitations that apply to co-located sources to ensure that the total emissions from both operations are less than the major source permitting thresholds.

The potential emissions contained in the table below are based on the material throughput limits and fuel consumption limitations for the SQCS plant that are specified in the general permit and assume compliance with those limitations. Because the engine is considered a non-road engine, its emissions do not count towards the controlled PTE of the plant.

**Camas Gravel SQCS Plant (Controlled) Potential to Emit Summary**

<b>Process</b>	<b>Pollutant (tons/year)</b>						
	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>
SQCS Source-wide Emission	18	8	1	0	0	0	0

## 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 Applicant's Request for Coverage states that the Project meets Criterion B of Appendix A and included (a) a map of the project area; (b) the U.S. Fish and Wildlife Services (USFWS) website-produced list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by this proposed project; (c) an email from Idaho Fish and Game; and (d) communications from the National Oceanic and Atmospheric Administration.

The USFWS website identified three threatened, endangered, or candidate species (Bull Trout – threatened, Monarch Butterfly – candidate, and Spalding's Catchfly - threatened) and listed eight migratory birds (American White Pelican, Bald Eagle, California Gull, Evening Grosbeak, Franklin's Gull, Golden Eagle, Marbled Godwit, Western Grebe) as birds of concern.

In NMFS's communications, they stated that there may be a potential impact to two additional fish species living in the lower main Clearwater River (Snake River Basin steelhead and Snake River fall Chinook Salmon), noting that dust and other air pollutants that might be created from rock crushing could potentially enter water in amounts that could affect fish or critical habitat. However, dust and other air pollutants from a temporary gravel crushing operation may be too widely dispersed in the air to cause high concentrations of pollutants in water. An analysis of air pollutant dispersal might be used to determine if a risk to fish or critical habitat exists.

In response to the potential impacts, the permittee has taken the following measures to ensure that critical habitat is protected from any potential impacts.

- A Stormwater Pollution Prevention Plan (SWPPP) has been created for the construction project and coverage under the approved EPA discharge permit includes coverage for the site since the crushing operation is specific to the construction project. Best Management Practices will be installed in accordance with the SWPPP to ensure compliance with the permit and to protect water quality. A copy of the SWPPP was sent to EPA Region 10 August 21, 2023.
- The crushing operation will be temporary, and air quality emissions will be minimal. Water controls will be used when the plant is in operation and the crusher will be operated in accordance with New Source Performance Standard, Subpart OOO and the air quality permit.
- Water and/or chemical controls will be used to control fugitive emissions of dust on the pit floor and stockpiles.

The project meets Criterion B if federally-listed threatened or endangered species or their designated critical habitat(s) are likely to occur within the action area of the Project, but the construction and operation of the Project is not likely to adversely affect listed threatened or endangered species or critical habitat. The selection of Criterion B may include consideration of any air pollution controls or other changes to the construction and/or operation of the Project that the permittee will adopt to ensure that the Project is not likely to adversely affect listed species or critical habitat.

After review and consideration of this information, EPA Region 10 agrees that the Applicant has completed the species-related screening procedures and has demonstrated by providing the appropriate information and documentation 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 plant would meet Criterion B because the listed species and/or critical habitats are likely to exist in the area, but the Project is not likely to adversely affect listed species or habitat.

### **Historic Properties-Related Eligibility Criteria**

The EPA engaged in the National Historic Preservation Act (NHPA) Section 106 process when the General Permit was issued. Requests for approval under the General Permit are not subject to NHPA Section 106, but are subject to the NHPA screening requirements in Appendix B of the Request for Coverage. The EPA developed the screening process in Appendix B of the Request for Coverage 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 that are either listed on or eligible for listing on the National Register of Historic Places 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. An attachment to the Request for Coverage application indicated there would be an adverse effect on historic properties due to the Project. Specifically, the Project would adversely affect three culturally sensitive plants (Lomatium cambii, [Lomatium cous, biscuitroot], and [Brodiaea douglasii, wild hyacinth]) located in the pit. On the Nez Perce Reservation, the Tribal Historic Preservation Officer (THPO) is the lead for the historical preservation program. The attachment letter from the Tribe's THPO stated that the company and the Tribe would need to have a Memorandum of Agreement (MOA) in order to resolve the adverse effect finding. On October 11, 2023, the applicant received confirmation from the Nez Perce Tribe that the MOA had been signed and a copy was provided to EPA Region 10.

EPA Region 10 has concluded that the Project meets the historic property-related eligibility criteria "no historic properties affected" and that the Project is consistent with the historic property-related eligibility criterion for coverage under the SQCS General Permit.

### **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. The EPA's primary goal in developing the SQCS General Permit was to ensure

that air resources in Indian Country will be protected in the manner intended by the CAA. The SQCS General Permit will limit 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 and creates a more level regulatory playing field for owners and operators within and outside of Indian Country. The SQCS General Permit reduces an existing disparity by filling the regulatory gap.

As explained above, the general permit was designed to be protective of the NAAQS; therefore, EPA Region 10 believes that the SQCS General Permit is appropriately protective of the NAAQS with respect to this Project. Compliance with the NAAQS is emblematic of achieving a level of public health protection that demonstrates that a proposed facility will not have a disproportionately high and adverse human health or environmental effects on minorities or low-income populations. See, e.g., *In re Shell Offshore Inc.*, 13 E.A.D. 357, 404-5 (EAB 2007).

### **Tribal Consultation**

EPA Region 10 sent an electronic copy of the SQCS application and supporting information to the Nez Perce Tribe staff from the Environmental Restoration & Waste Management Division on July 31, 2023. EPA Region 10 sent (electronically) a letter to the Chairman of the Nez Perce Tribal Executive Committee on August 23, 2023, offering consultation on this EPA permitting action. The Nez Perce did not request formal Government to Government consultation regarding the Project.

### **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)).

In contrast, a 30-day public comment period under 40 CFR 49.157 is not required for an approval of a request for coverage of a particular source under a General Permit. EPA Region 10 posted the request for coverage on its website on July 29, 2020, prior to the issuance of any decision to approve or deny the request for coverage and requested the public to submit any concerns about the applicant's eligibility to construct under the General Permit. EPA Region 10's air permits website can be found at: <https://www.epa.gov/caa-permitting/caa-permitting-epas-pacific-northwest-region>.

EPA 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)). Any petition for review of this approval action must be filed in the United States Court of Appeals for the appropriate circuit pursuant to CAA section 307(b).