UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 0 2 2019

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Revised Policy on Exclusions from "Ambient Air"

FROM: Andrew R. Wheeler

TO: Regional Administrators

The U.S. Environmental Protection Agency is updating its policy on the exclusion of certain areas from the scope of "ambient air." In the context of developing and implementing national ambient air quality standards under the *Clean Air Act*, the EPA defines "ambient air" at 40 CFR § 50.1(e) as "that portion of the atmosphere, external to buildings, to which the general public has access." In applying this definition, the EPA has long followed a policy that allows excluding certain areas of a source's property, located outside of a building, from ambient air. As described in a 1980 letter from then-Administrator Douglas Costle to Senator Jennings Randolph, this "exemption from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers." In the attached revised policy, I am revising the "fence or other physical barriers" element of this ambient air policy, while maintaining public health protection.

This revision to the ambient air policy, like the 1980 letter, considers as eligible for exclusion only the atmosphere over "land owned or controlled by the [stationary] source." While the 1980 letter said such areas may only be excluded when public access is precluded by "a fence or other physical barriers," this limited revision more clearly recognizes that a *fence or other physical barrier* is not the only type of measure that may be used to establish that the general public does not "have access" to an area of land that is owned or controlled by the source. These other types of measures, potentially combined with physical barriers, may be used to support exclusion of an area from ambient air. Thus, the EPA's revised ambient air policy, consistent with its discretion available under the regulatory definition of ambient air, is that *the atmosphere over land owned or controlled by the stationary source may be excluded from ambient air where the source employs measures, which may include physical barriers, that are effective in precluding access to the land by the general public.*

The revised policy reflects input from stakeholders, and the EPA expects this policy to maintain the same level of public health protection that was originally intended by the 1980 letter. For example, under the Prevention of Significant Deterioration program air quality analysis requirement, the air agency[1] must still determine, based on the administrative record for the permit, that the general public does not have access to property in order to exclude an area from ambient air.

The revised policy reflected in the attachment is neither a regulation subject to notice-and-comment rulemaking requirements nor a final agency action. This action does not amend the definition of "ambient air" in EPA regulations at 40 CFR § 50.1(e) and does not create or change any legal requirements applicable to the EPA, air agencies or the public. This policy does not of its own force determine that any specific portion of any particular source's property may be excluded from ambient air on the basis of particular measures taken to preclude public access. Determinations concerning the adequacy of such measures can only be made by the EPA or another air agency on a case-by-case basis after consideration of the relevant administrative record. Air agencies are not required to apply this policy and retain the discretion to determine whether the steps taken by a source will be adequate to preclude public access.

Please share this memorandum and the attached revised policy with air agencies in your region. For any questions regarding this memorandum and the attached revised policy, please contact Scott Mathias, Acting Director of the Air Quality Policy Division in the Office of Air Quality Planning and Standards at (919) 541-5310 or mathias.scott@epa.gov.

Attachment

[1] "Air agency" refers to a state, local or tribal air permitting agency and may also refer to the EPA, depending on the context.

Revised Policy on Exclusions from "Ambient Air"

I. INTRODUCTION

In the context of developing and implementing national ambient air quality standards under the *Clean Air Act*, the U.S. Environmental Protection Agency defines "ambient air" at 40 CFR § 50.1(e) as "that portion of the atmosphere, external to buildings, to which the general public has access."[1] The regulatory definition plainly excludes from ambient air areas inside buildings, and these areas are not addressed further in this document. In addition, the EPA has long recognized that certain areas external to buildings may be excluded from the regulatory definition of ambient air because the general public does not have access to them. Based on this interpretation, the EPA has a longstanding policy in allowing an exclusion from "ambient air" of the atmosphere over certain areas external to buildings when particular conditions are satisfied. This interpretation and policy were affirmed in a 1980 letter from Administrator Costle, which stated that the EPA was retaining "the policy that the exemption from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers."[2]

The 1980 policy was criticized by those who believed that allowing exclusions of atmosphere, even on a source's own property, resulted in inadequate public health protection. In a 1989 report, the U.S. General Accounting Office reviewed the EPA's implementation of its ambient air policy and found that, in some cases, EPA Regional offices approved ambient air exclusions that allowed sources to increase pollution where air quality modeling predicted violations of the NAAQS.[3] The report recommended that the EPA "initiate a formal rulemaking process to redefine ambient air in a manner that is more protective of the environment." The report criticized the EPA for allowing the use of land acquisition to exclude such land from determinations of compliance with the NAAQS. It equated such land acquisition practices to prohibited dispersion techniques – a comparison with which the EPA has disagreed.[4]

Notwithstanding the GAO report, the EPA left the policy in the 1980 letter in place and decided neither to redefine its regulatory definition of ambient air nor to issue guidance concerning land acquisition practices. The EPA has continued to apply the policy described in the 1980 letter for nearly 40 years, and the EPA has periodically provided guidance to address the application of the policy in specific situations.

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[1] *See also Train v. NRDC*, 421 U.S. 60, 65 (1975) ("'ambient air' [is] the statute's term for the outdoor air used by the general public").

[2] Letter from EPA Administrator Douglas Costle to Senator Jennings Randolph, Chairman, Committee on Environment and Public Works, December 19, 1980 (1980 letter).

[3] "Air Pollution: EPA's Ambient Air Policy Results in Additional Pollution," United States General Accounting Office, GAO/RCED-89-144, July 1989, at 14-21.

[4] Policy statement on the definition of Ambient Air, David G. Hawkins, Assistant Administrator for Air, Noise, and Radiation, Draft, January 9, 1980.

In recent years, industry representatives have argued that the longstanding ambient air policy is overly restrictive because it purports to require the use of a fence to preclude public access and justify excluding an area. These stakeholders have identified situations arising in specific types of air quality analyses (*e.g.*, Prevention of Significant Deterioration (PSD) permitting) that the EPA may not have considered when it issued the 1980 letter.[5] Industry representatives have requested that, given the advances in surveillance and monitoring capabilities and the variety of ambient air situations that have arisen since 1980, the language from the 1980 letter should be updated to more readily allow regulatory authorities to consider additional types of measures that are effective in precluding public access to a source's property, consistent with the regulatory definition of ambient air.

The EPA has reviewed the general principles expressed in the 1980 letter and has concluded, after considering a wide range of stakeholder comments, that it is reasonable to update the language from the 1980 letter that calls for the use of "a fence or other physical barriers" to preclude public access. In summary, this policy statement describes a refinement to the language of the existing policy that recognizes that a variety of measures (including, but not limited to, physical barriers) could be appropriately considered effective, depending on site-specific circumstances, to preclude public access from property owned or controlled by a source. The limited exclusion in this updated ambient air policy continues to apply only to property "owned or controlled" by the source and reflects only an update to the criteria the EPA will apply when determining whether a source effectively precludes public access to its property for purposes of analyzing the source's impact on ambient air.

A draft of the revised policy was made available for public review and comment from November 18, 2018, through January 11, 2019.[6] A total of 37 sets of comments were received from individuals and stakeholders representing state, local and tribal government agencies, industry and environmental groups. Some of the comments are discussed below. After consideration of all comments received, the EPA believes the revised policy is appropriate and will maintain public health protection. The revised policy is fully consistent with the regulatory definition of ambient air and fulfills the objective of protecting the public from exposure to potentially adverse levels of air pollution in a manner no less effective than the "fence or other physical barriers" called for under the previous policy.

II. BACKGROUND

As discussed above, the EPA's longstanding policy is based on the view that the general public does not have access to land occupied by a stationary source (or that would be occupied by a proposed stationary source or modification) when the land meets both of the following conditions: (1) the land is owned or controlled by the owner or operator of the stationary source: and (2) the land is surrounded by a fence or other physical barriers that preclude general public access. For

[5] American Forestry and Paper Association/American Wood Council, NAAQS Permitting White Paper on Flexible Procedures (September 2014) (*see* relevant discussion in sections 2 and 3).

[6] *See https://www.epa.gov/nsr/forms/draft-guidance-revised-policy-exclusions-ambient-air.*

example, under this policy, the EPA allows a PSD permit applicant to exclude from its air quality analysis the site of the proposed source where the record shows that the site is owned or controlled by the source and surrounded by a fence or other physical barriers that do not allow public access.[7]

Although not expressly stated by Administrator Costle in 1980, it is clear that these dual conditions of the policy have been fundamentally grounded on an interpretation of the regulatory phrase "to which the general public has access." In a 2007 memorandum, the EPA explained that it uses "controlled" in the context of the first condition of the policy to mean that the owner or operator of the source has the legal right to use the land, and that its land-use right includes "the power to control public access" and "the power to exclude the general public."[8] The EPA explained that the second condition calls for a source to actually take steps to preclude the general public from accessing its property "by relying on some type of physical barrier (*e.g.*, a fence, wall, or natural obstruction)." Thus, the first condition calls for a consideration of whether the general public has access in a *legal* sense (whether the owner or controller of the land has the right to preclude the general public's access), while the second condition calls for a consideration of whether the general public has access in a *practical or physical* sense (whether the general public is able to enter). The EPA also recognized that some persons that have both legal and practical access to the source's property are not necessarily considered members of the general public, such as employees of the owner or operator who work at the site, or "business invitees," such as contractors or delivery persons.[9] Of all of these aspects of the analysis, the sole change to the EPA's ambient air policy reflected in this attachment is that the EPA no longer considers "a fence or other physical barriers" to be the only type of measure available to a source in order to preclude public access in a practical or physical sense.

Over the years, the EPA has provided clarifying guidance to explain how the definition of ambient air, and the associated ambient air policy, should be applied under specific circumstances for air quality analyses, such as analyses used to demonstrate compliance with the NAAQS and PSD increments within the PSD permitting process. For example, in the aforementioned 2007 memorandum, the EPA explained how it intended to apply the definitions of "ambient air" and "building, structure, facility or installation"[10] to arrangements where a source locates on property that it leases from another entity. The EPA has provided its views in other situations, on a case-by-case basis, concerning the adequacy of certain types of fencing or other physical barriers (*e.g.*, a steep cliff or rugged terrain) based on the EPA's understanding of the core concept of "access" to source property by the public, as this term is used in the regulatory definition of ambient air.

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[7] *See, e.g., In re Hibbing Taconite*, 2 E.A.D. 838 (Admr. 1989). In this case, the EPA's Administrator called for additional review of whether physical barriers were present at all locations around the perimeter of excluded property.
[8] Memorandum from Stephen D. Page, EPA, OAQPS, to EPA Regional Air Division Directors, "Interpretation of 'Ambient Air' in Situations Involving Leased Land Under the Regulations for Prevention of Significant Deterioration (PSD)," attachment at 2-3, June 22, 2007. The memorandum refers to the 1980 letter, but this revised policy does not affect the interpretations expressed in the 2007 memorandum, as described above.
[9] *Id.*, attachment at 5-6.
[10] *See* 40 CFR 52.21(b)(6).

In its review of individual situations, the EPA has sometimes agreed that an area may qualify for exclusion from ambient air despite the fact that the specific property or facility at issue, or a certain portion of the property or facility, was not surrounded by a fence or other physical barriers. For example, five years after the 1980 letter, the EPA allowed an ambient air exclusion based on the cumulative effect of a company's extensive property holdings, installation of fences, posting of "No Trespassing" signs, security patrolling and the rugged mountainous terrain.[11] More recently, the EPA excluded an area from ambient air based on a source's proposal to preclude public access using measures other than a fence or other physical barriers. The United States Court of Appeals for the Ninth Circuit reviewed and upheld the exclusion, finding that, although fencing or other physical barriers were not used, other methods were used to effectively preclude public access, and "[t]he essence of the EPA's regulatory definition links ambient air to public access."[12] Although that case involved permitting of a source located over water, where installation of a fence or other physical barriers was not practical, the language of the regulatory definition of ambient air does not preclude extending this reasoning to other factual situations. For example, there may be situations over land where it is also impractical or unduly burdensome to require a source to install a fence or other physical barriers when other means of precluding public access may be equally effective. The EPA has thus not read the regulatory definition to require the use of physical barriers in all cases. After evaluating the specific circumstances, the EPA has in some cases supported excluding areas of land from ambient air that were not surrounded by physical barriers. The EPA has previously recognized that public access may be effectively precluded by means other than a fence or other physical barriers and still be consistent with the regulatory definition of ambient air.

In addition to seeking assistance from the EPA in case-specific permitting situations, organizations representing permit applicants have on various occasions requested that the EPA reconsider aspects of the ambient air policy that their membership considers to be inflexible or outdated, such as the need to demonstrate NAAQS attainment on railroad tracks and roadways on or just beyond their property boundary, in areas where these organizations assert few or no members of the general public are expected to be present. These requests resurfaced in comments on the draft revised policy that was made available for informal public comment. Furthermore, some commenters argued that the EPA's historic focus on a fence or other physical barriers is outdated in that it does not address or allow consideration of additional security technology and other measures by which public access may be precluded (*e.g.*, routine security patrols, remote surveillance cameras, drones). Some commenters also pointed out that a fence or physical barriers are not mandated by the regulatory definition of ambient air and, therefore, the EPA's ambient air policy should not consider them to be the only allowable means of precluding public access. On

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[11] *See*, 50 FR 7056, 7057 (February 20, 1985). In this instance, Kennecott maintained that public access was precluded from ambient air by a combination of rugged terrain, dense vegetation, limited perimeter fencing, no-trespassing signs and security patrols.

[12] *See REDOIL v. EPA*, 716 F.3d 1155, 1164-65 (9th Cir. 2012) (a proposed offshore drill ship in the Arctic Ocean seeking a PSD permit was allowed to exempt from ambient air a "safety zone" surrounding the ship that was established by the U.S. Coast Guard and effectively precluded public access); *see also* EPA memorandum from Phil Millam, Region X, to Randy Poteet, ARCO Alaska, Inc., titled "Arco Alaska Permit Application for Beaufort Sea Exploratory Drill Project," March 1, 1993 (EPA regional comment letter asking ARCO to certify that an exclusionary safety zone exists with reasonable zone boundary control measures for EPA to consider the area to be controlled by the source, and therefore, excluded from being considered ambient air).

the other hand, some commenters argued that the EPA's 1980 policy allowing an exemption for fenced land owned or controlled by a source was contrary to law.[13] These stakeholders argued that the regulatory definition should be revised through rulemaking to eliminate or narrow the exclusion for areas external to buildings. Other commenters argued that the draft revised policy would further loosen the existing policy and therefore would be clearly inappropriate.

III. CORE ELEMENTS OF REGULATORY DEFINITION OF "AMBIENT AIR"

Considering these views of interested stakeholders, the EPA has evaluated the terms in the regulatory definition of ambient air and identified three core conceptual elements: "access," "general public," and "external to buildings." The EPA then considered how each of these terms or phrases has been applied under the existing ambient air policy and whether additional flexibility or clarification may be appropriate, consistent with the existing regulatory definition of ambient air. The EPA concluded that it is reasonable and appropriate to update its ambient air policy[14] concerning methods for precluding public access to source property in order to facilitate greater flexibility in light of developments and experience since the 1980 letter, while at the same time ensuring that the public health protection afforded by the 1980 letter is maintained.

Consistent with past practice and the discussion above, the EPA continues to interpret the term "access" to encompass two key concepts: legal access and physical or practical access.[15] Some commenters argued that the EPA's policy should allow areas to be excluded where there is no legal access, even if there is physical access, by the general public. They argued that physically precluding public access should not be necessary under the ambient air policy because it is not specifically required by the CAA or the regulatory definition of ambient air. Commenters also argued that persons entering private property without the owner's permission are trespassers and therefore their access is unlawful and irrelevant. While the regulatory definition of "ambient air" does not use some of the terms reflected in the EPA's ambient air policy, the definition also does not explicitly exclude any area external to buildings. The exclusion for such areas is reasonably inferred as the inverse of what is affirmatively covered ("areas ... to which the general public has access"). Nor does the regulatory definition prescribe specific criteria that are in conflict with the EPA's policy. The EPA 's view is that the approach advocated by these commenters of focusing only on legal access reads the term "access" too narrowly and ignores the EPA's longstanding

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[13] One commenter cited memoranda issued in 1972 and 1977; *see* Appendix for the EPA's response.

[14] Some commenters refer to the 1980 letter as an EPA interpretation, but it also contains statements of EPA policy. The 1980 letter stated the EPA was retaining "the existing policy" that "the exemption from ambient air is available only for the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers." The policy clarified how the EPA intended to apply the concept in the regulatory definition of the general public having (or not having) "access" to property (and the air above it). Although not expressly stated in Administrator Costle's letter, that letter, and this revised policy, "interpret" the regulatory definition to be inapplicable to areas outside of buildings to which the general public does not have access and read the term "access" to encompass both legal and practical access. The 1980 letter and this revised policy then proceed to provide policy guidance as to the conditions under which the EPA believes it may be appropriate for one to conclude that general public does not have such access to an area. This revised policy describes how the EPA intends to exercise its discretion to determine whether the public has access based on record-based facts (and provides guidance for others to do likewise).

[15] The word "access" has a variety of meanings. As used for applying the regulatory definition of ambient air ("atmosphere . . . to which the public has access"), the EPA believes the term encompasses both the public's *legal right* and the public's *practical ability* to enter a particular parcel of land.

understanding that the general public may have access based on, not only the right, but also the ability, to enter an area.

The first aspect of the access element (*i.e.*, legal access) concerns whether the general public has the right or permission to enter a specific property. Under the ambient air policy as described in the 1980 letter, an exclusion from ambient air is available only for areas owned or controlled by the source (*i.e.*, the source has legal authority, via ownership or control, to preclude access by the public).

Although the draft revised policy did not propose any change in this element of the ambient air policy, some commenters advocated that the EPA allow exclusions of property owned or controlled by other parties. These commenters argued that the regulatory definition of "ambient air" does not mandate that the *source* own or control the land from which the public is otherwise precluded. As discussed above, the EPA's policy allowing exclusion of some areas external to buildings is not based on language in the regulatory definition mandating exclusion or providing particular criteria for such an exclusion, but rather, is inferred as the inverse of what is affirmatively covered by that definition (*i.e.*, if "ambient air" is defined as that to which the general public has access, then that to which the general public does not have access is not ambient air). The EPA's view is that the general public has legal access to areas that are owned and controlled by parties other than the owner or operator of a stationary source. The EPA continues to view the "general public" to include any person(s) other than those who are permitted access to the property as employees or business invitees of a specific stationary source (including trespassers). Although a landowner who owns a stationary source downwind of another landowner's separate stationary source may restrict public access onto his or her private property, the owner and the individuals that are permitted access to his or her downwind property are, generally speaking, members of the general public relative to the upwind stationary source. An alternative reading of "general public" that excludes all persons on any private property to which access is restricted (*e.g.*, private homeowners with fenced yards) would expand the exclusion beyond reason and deny the protection of the NAAQS to large numbers of people. This revised policy makes no change to the "owned or controlled by the source" and "general public" elements of the policy.

The second aspect of the access element (*i.e.*, physical or practical access) addresses whether the general public is able to, under actual circumstances, enter a particular parcel of land. As discussed above, the EPA stated in the 1980 letter that for an area to be excluded from ambient air, public access should be precluded by means of a fence or other physical barriers. Since 1980, the EPA has found that a natural barrier (*e.g.*, steep cliff, rugged terrain or dense vegetation), was sufficient, in the absence of a man-made barrier like a wall or fence, to prevent public access, in some situations.[16]

[16] *See* 50 FR 7056, 7057 (February 20, 1985). On a related issue, one commenter cited two EPA memos from 1985 and 2000 for the conclusions that "a shoreline by itself is not a sufficient barrier to public access" and "publicly accessible areas such as highways and rivers may show violations of NAAQS," respectively. The EPA believes the revised policy would not necessarily result in different conclusions, depending on the facts presented. Relevant factors for an air agency to determine whether an unfenced "shoreline" is a sufficient barrier to preclude public access across the border of a source property may include: the ability of users of the water body (*e.g.*, boaters) to access the shore in that location, whether the general public has access to the water body, and whether the source uses any additional measures, such as signage and video surveillance). Regarding a highway or river, the revised policy makes no change

Based on concerns that a physical barrier is not always needed to restrict access, the EPA invited public comments on a draft revised ambient air policy that would replace the term "a fence or other physical barriers" in the "access" element of the policy with the broader term "measures, which may include physical barriers, that are effective in deterring or precluding access to the land by the general public."[17] Some commenters agreed that "fences or other physical barriers" should not always be necessary for precluding public access.

Recognizing advances in security technologies and greater experience in the diversity of ambient air scenarios since the 1980 letter, the EPA's view is that a source can in many instances employ measures, other than fencing or other physical barriers, or in combination with fencing or other physical barriers, to effectively preclude public access. While sources often use traditional fencing at the boundary of a facility, there are examples of other measures, of which more than one may be used in combination, that have been effective in precluding public access when adequate procedures are followed (*e.g.*, video surveillance, monitoring, clear signage, routine security patrols). Furthermore, the EPA recognizes that there will be future technologies such as drones and more advanced video surveillance capabilities, that will potentially be used to preclude public access.[18]

The EPA does not regard this revision as a fundamental change to the longstanding ambient air policy. For example, under the prior policy, it was always possible for some fences to be scaled and other types of barriers to be breached.[19] The EPA agrees with commenters who stated that a fence is an effective means of precluding public access, but even a fence, depending on factors such as its height, composition, scalability, resistance to damage or tunneling and remoteness of location, will not in all conceivable situations prevent persons who desire to gain access (although

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to the "owned or controlled by the source" element, as stated above, so the EPA generally would not expect the revised policy to change a determination of whether an area should be excluded from ambient air, where it includes "publicly accessible areas such as highways and rivers" since such areas generally are not owned or controlled by the source. Thus, the EPA sees no conflict between past policy memorandums and the revised policy.

[17] In the draft revised policy made available for public comment, the EPA used the word "deter" in addition to "preclude." This was intended to acknowledge that non-physical measures might be defeated (perhaps temporarily) by a deliberate trespasser in a manner similar to a physical obstruction, but this scenario is appropriately defined through the word "preclude" such that the word "deter" is not necessary in this context. The EPA maintains its view that any type of measure employed by a source should preclude public access to justify excluding a portion of source property from ambient air and its effectiveness in doing so should be evaluated on a case-by-case basis.

[18] By listing examples in this paragraph, the EPA does not suggest that any such measure by itself will be effective in precluding access to any particular property without procedures that ensure that the measure will be used in a manner that effectively precludes public access. Nor, by listing examples, does the EPA intend to foreclose the possibility that some other measure or measures not listed as an example might be effective in precluding access to any particular property. The determination by an air agency of whether access to any particular property is precluded is fact-based and facility-specific.

[19] One commenter argued that "the fact that even 'physical barriers' conceivably could be scaled or breached means that 'the general public has access" within the meaning of 40 CFR § 50.1(e), even if a fence or other physical barrier is used. The EPA believes that the regulatory definition is reasonably read not to require absolute certainty that no one could ever overcome a fence or other physical (or non-physical) barriers around a source. Another commenter noted that some physical barriers such as "short walls, three-rail fences, [or] easily scaled walls or fences" may be insufficient to actually prevent access. The EPA believes that the effectiveness of particular measures, whether physical or non-physical, to preclude public access should be addressed by the source and the air agency on a case-by-case basis considering the totality of the circumstances.

unlawfully) to a source's property. Generally, the air agency[20] should be satisfied that the measures proposed by the source are adequate to assure that the general public will not have access under reasonably anticipated circumstances that could occur in the area. This revised policy does not prescribe, approve, or disallow any specific types of measures (physical barriers or otherwise) that may be used to preclude public access. Rather, this revised policy calls for staff at the EPA (and other air agencies as well) to carefully assess measures proposed by a source to preclude public access under specific, factual circumstances. The goal of such an assessment is to be satisfied that the measures (whether physical or not) proposed by a source are effective in precluding public access under the circumstances presented. Thus, under this revised policy, measures may be considered effective, under a given set of circumstances, even if there is not 100 percent certainty that they will prevent public access.[21]

The EPA will apply a rule of reason in evaluating the effectiveness of any measures proposed by a source. In doing so, this evaluation should address relevant factors, such as the nature of the measure used (*e.g.*, physical or non-physical), source location, type and size of source and property to be excluded, surrounding area (including the proximity, nature, and size of the population in the area), and other factors affecting whether members of the general public would readily be able to trespass upon or otherwise have access to the source's property. Air agencies should consider all relevant information provided by the source or other interested parties, or otherwise available to the air agencies, regarding the effectiveness of the measures to prevent public access. For instance, the use of clearly visible, well-spaced "No Trespassing" signs in conjunction with some degree of fencing or other physical and/or non-physical barriers, may potentially be effective to preclude access by the general public in appropriate situations. In other cases, such as in areas accessible to children (*e.g.*, areas adjacent to schools), or where the nature of the property offers an incentive for persons to access or trespass (*e.g.*, a short cut to a destination), it may be necessary to use a different combination of measures to effectively preclude public access.

Related to the use of measures (particularly non-physical measures) to preclude public access is the question of whether such measures should be addressed in enforceable conditions (*e.g.*, PSD permit conditions). Although the draft revised policy did not address this issue, a few commenters submitted comments either supporting or opposing inclusion of such measures as enforceable permit terms. One air agency commented that while a physical barrier such as existing source fencing can be reasonably considered to be fixed and to last for the operational life of the source, a non-physical measure may warrant consideration as a permit term, especially where the measure does not "correspond with the facility's [source's] operational footprint." EPA will consider the need for enforceable permit conditions on a case-by-case basis and other air agencies may similarly exercise discretion in determining whether a permit condition is appropriate to ensure that a source administers the selected measures in a way that maintains continued public health protection. For example, security procedures and maintenance of surveillance records might be considered as enforceable permit conditions to help ensure that a particular measure continues to be carried out in an effective manner. A permit condition may be appropriate if, for example, a

[20] "Air agency" refers to a state, local or tribal air permitting agency and may also refer to the EPA, depending on the context.

[21] *See* discussion at fn.17.

decision was made to exclude a model receptor at a particular location where, prior to implementation of effective measures to preclude public access, there was an historic practice of allowing public access to the area of concern.

As previously stated, determinations concerning the adequacy of measures to preclude public access should be made on a case-by-case basis after consideration of information in the relevant administrative record. When an air agency, other than the EPA, is responsible for the determination, EPA Regional offices will be available to assist as needed.

IV. CONCLUSION

In setting forth this revised ambient air policy, the EPA is making a limited change to the way it applies the "access" element in the regulatory definition of ambient air, while maintaining the level of public health protection afforded by the original policy. This narrow change is that the EPA will no longer consider a fence or other physical barriers to be the exclusive means by which public access may be effectively precluded for purposes of excluding an area owned or controlled by the source from ambient air under the regulatory definition. Accordingly, the EPA is replacing a concept in the 1980 letter with a broader concept of measures, which may include physical barriers, that are effective in precluding access by the general public. Thus, the EPA's revised ambient air policy, consistent with its discretion available under the regulatory definition of ambient air, is that *the atmosphere over land owned or controlled by the stationary source may be excluded from ambient air where the source employs measures, which may include physical barriers, that are effective in precluding access to the land by the general public.*

This revised policy is intended to be implemented by EPA Regional offices and by those air agencies to which the EPA has delegated its authority to issue federal PSD permits under 40 CFR § 52.21(u). The EPA is also making this policy available as guidance for consideration by air agencies with SIP-approved programs. Depending on the particular regulatory context and wording of the applicable SIP, air agencies implementing a SIP-approved program may be able to use this revised policy. In addition to PSD permitting, the EPA intends, as appropriate, to apply the revised policy to other NAAQS-related assessments and characterizations of air quality.

This revised policy is neither a regulation subject to notice-and-comment rulemaking requirements nor a final agency action. This action does not amend the definition of "ambient air" in EPA regulations at 40 CFR § 50.1(e) and does not create or change any legal requirements on the EPA, on state, local and tribal agencies or on the public. This document does not determine that any particular area or type of area may be excluded from ambient air on the basis of particular measures taken to preclude public access. Determinations concerning the adequacy of such measures can only be made by air agencies on a case-by-case basis after consideration of the relevant administrative record in each case. State and local air agencies are not required to apply this policy and retain their existing discretion to require measures (including fences or physical barriers) that they consider appropriate in each circumstance to establish that the general public does not have access to all or a portion of a source's property.

For any questions regarding this revised policy, please contact Scott Mathias, Acting Director of the Air Quality Policy Division in the Office of Air Quality Planning and Standards at (919) 541-5310 or mathias.scott@epa.gov.

Appendix

One commenter cited a May 23, 1977, memorandum from Walter C. Barber, Director of the Office of Air Quality Planning and Standards titled, "Applicability of PSD Increments over Company Property." That memorandum addressed the question of whether PSD increments apply over a proposed source's property if the general public is effectively precluded from access to that property. The response to this question has the word "yes" crossed out and "no" written in its place; the response also says "[t]his issue has been addressed with respect to the NAAQS" in an OAQPS Guideline and a 1972 memorandum from the Office of General Counsel. The response goes on to state that PSD increments should be treated the same as the NAAQS in this respect and "[t]herefore, as indicated in the OGC memorandum, the test for determining if public access is effectively precluded requires some kind of physical barrier." The response attaches a September 28, 1972, memorandum from Michael A. James, Attorney, OGC, Air Quality and Radiation Division, to Jack R. Farmer, Chief, Plans Management Branch, Standards Development and Implementation Division that states that, in the context of identifying sites for air monitoring equipment to be located near certain smelters that were the subject of a pending rulemaking, the phrase "to which the general public has access" in the EPA's regulatory definition of "ambient air" was "most reasonably interpreted as meaning property which members of the community at large are not physically barred in some way from entering." The "Discussion" section of the 1972 memorandum quotes 40 CFR § 50.1(e) and expresses the view that the regulatory definition limits the applicability of the NAAQS to the atmosphere outside the facility fenceline "since 'access' is the ability to enter," citing a dictionary definition of "access" as "permission, liberty, or ability to enter." Administrator Reilly referenced this portion of the memorandum in a 1989 decision on the appeal of a PSD permit. *In re Hibbing Taconite*, 2 E.A.D. 838 (Admr. 1989).

The 1972 memorandum further explains that areas to which access has not been restricted by physical means can be trespassed upon and that persons, whether knowing or innocent trespassers, would be exposed to air above the property. The memorandum disagrees with treating the property line, rather than the fenceline within the property, as the boundary for ambient air for two reasons: 1) "access" includes the right or the ability to enter; and 2) a definition of "ambient air" that excepts fenced private property is "probably inconsistent" with section 107 of the CAA, and expanding the exception is "clearly not legally supportable." The memorandum goes on to say that "an argument can be made" that 40 CFR § 50.1(e) is not inconsistent with section 107 of the CAA as to primary NAAQS but that no such argument applies to secondary NAAQS.

While Administrator Reilly subsequently relied on a portion of the 1972 attorney memorandum to support his decision in the *Hibbing Taconite* permit appeal, EPA decisionmakers have not endorsed all the views expressed in the memorandum. First, the 1972 memorandum does not express the official position of the EPA's General Counsel. Instead, it was a response from an EPA line attorney to questions posed by a program office branch chief, and as such, is more appropriately viewed as an internal communication rather than a statement of the EPA's position or views. While the memorandum advised that the existing, duly promulgated regulatory definition of ambient air, unchanged since its issuance, was "probably inconsistent" with section 107 of the CAA, the EPA did not subsequently take any action to revise the definition on this basis. The revised policy is intended to implement, not revise, the regulatory definition. In addition, the 1977 OAQPS memorandum attached to the 1972 memorandum, did not adopt or endorse all of the

discussion by the line attorney. It appears the attorney memorandum was attached merely to show that the issue in the 1977 memorandum (whether PSD increments apply over a proposed source's land) had already been addressed previously in the analogous context of whether NAAQS apply over a proposed source's land. The EPA's ambient air policy was authoritatively stated in the 1980 letter and 1989 adjudication by the EPA's Administrator, and thus the views expressed in the 1977 memoranda and portions of the 1972 memorandum that were not referenced in the 1989 adjudication did not become part of the EPA's ambient air policy.

The revised policy is consistent with the principal view expressed in the 1972 memorandum that the border of the ambient air surrounding a source is not automatically out at the property line, but rather is located where there is an effective measure, whether a physical barrier or not, to preclude public access. The only specific ambient air issue addressed in the 1972 memorandum was whether a property line or fenceline should be used as the border of ambient air, and the memorandum concluded a fenceline was more appropriate because "access" in the regulatory definition meant "the ability to enter" and trespassers could enter the property if there was no physical barrier.

The 1972 memorandum also asserted a policy conclusion that the only type of effective measure to preclude access was a physical barrier, which was essentially a factual conclusion rather than a legal interpretation of the regulatory language. Such a factual conclusion is inherently subject to change over time, as developments occur in the availability and effectiveness of measures to preclude public access to property. Although the incoming questions from the program branch chief refers to signage, the 1972 memorandum did not provide factual information to show that signs or other potential means of precluding access could never be effective to preclude access by the general public.

As explained in the body of this document, the EPA believes the clarification and flexibility provided in the revised policy is reasonable, appropriate, and consistent with the existing regulatory definition of ambient air in 40 CFR § 50.1(e).

Managing Air Quality – Setting Air Quality Goals

Air quality goal setting is the process by which a government establishes objectives for its air quality management system.

On this page:

Overview

The setting of goals represents the starting point for an air quality management system in many countries. These may include broad qualitative goals, such as to protect human health and the environment from the adverse effects of air pollution.

Effective air quality management systems also include specific goals or standards that are quantified, measurable and have associated timelines for achievement. A transparent process facilitates understanding, acceptance and implementation of goals and standards. Such a process includes consultation with and review by the public and the regulated community.

In the United States, the air quality management goals are informed by science. This science continually evolves over time. In order to stay abreast of scientific and technical advances, periodic reviews of goals are important to enhance the continual improvement in air quality.

Laws and Regulations

A government typically enacts a law establishing broad goals for air quality. The law may also outline the roles of implementing agencies and other entities involved in achieving these goals. The law may authorize an implementing agency to develop regulations with detailed requirements.

The U.S. Congress enacts laws such as the Clean Air Act, which authorizes EPA to develop and issue detailed air quality regulations to implement the Clean Air Act.

Resources on environmental laws and on how laws and regulations are set in the United States

- Environmental laws and regulations <https://epa.gov/laws-regulations>
- Basics of the regulatory process <https://epa.gov/laws-regulations/basics-regulatory-process>

Resources for the Clean Air Act

- Summary of the Clean Air Act, including summary of how common pollutants and toxic pollutants are addressed <https://epa.gov/laws-regulations/summary-clean-air-act>
- Overview of the Clean Air Act and Air Pollution, including progress made, how the Act works, and air pollution challenges <https://epa.gov/clean-air-act-overview>
- Plain English Guide to the Clean Air Act <https://epa.gov/clean-air-act-overview/plain-english-guide-clean-air-act>
- The Clean Air Act in a Nutshell: Summary of major provisions by pollution problem <https://epa.gov/clean-air-act-overview/clean-air-act-nutshell-how-it-works>

Types of Goals and Key Standards for Air Pollution in the United States

Goals and standards related to air quality management can take different forms. Examples include:

- an acceptable level of a pollutant in the air;
- a limit on the amount of a pollutant emitted by a source (e.g., industrial facility or an emission point in the facility); and
- a limit on the amount of a pollutant in a fuel (e.g., gasoline) or in a product (e.g., paint, consumer products).

The United States controls air pollutants through two main programs: (1) the National Ambient Air Quality Standards (NAAQS) program, and (2) the Hazardous Air Pollutants (HAP) program.

Resources for information on national standards related to air quality in the United States

- National Ambient Air Quality Standards for ground-level ozone, particulate matter, carbon monoxide, sulfur dioxide, nitrogen dioxide, and lead <https://epa.gov/criteria-air-pollutants/naaqs-table>
- National standards for emissions of hazardous air pollutants from industrial and other stationary sources <https://epa.gov/stationary-sources-air-pollution/national-emission-standards-hazardous-air-pollutants-neshap-8>
- Programs and regulations for air pollution from transportation and mobile sources <https://epa.gov/transportation-air-pollution-and-climate-change>
- National standards to control emissions of volatile organic compounds from coatings and consumer products <https://epa.gov/stationary-sources-air-pollution/clean-air-act-guidelines-and-standards-solvent-use-and-surface>
- New Source Performance Standards: national emissions standards for new and modified stationary sources <https://epa.gov/stationary-sources-air-pollution/new-source-performance-standards>

Science and Research

Scientific research provides air quality managers with essential understanding of how pollutants are emitted, transported and transformed in the air, and their effects on human health and the environment. A solid foundation of science is necessary to inform policies and strategies.

Resources for information on EPA's research in support of air quality goals

- Integrated Science Assessments to support review of the National Ambient Air Quality Standards <https://epa.gov/isa>
- Air research <https://epa.gov/air-research>

Air Quality Management Process Home <https://www.epa.gov/node/46997/>

Overview of Air Quality Management <https://www.epa.gov/air-quality-management-process/what-epa-doing>

Assessment and Implementation <https://www.epa.gov/air-quality-management-process/what-you-can-do>

Tools and Resources <https://www.epa.gov/air-quality-management-process/tools-and-resources>

Contact Us <https://epa.gov/air-quality-management-process/forms/contact-us-about-air-quality-management-process> to ask a question, provide feedback, or report a problem.

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Air Quality

PERMIT TO CONSTRUCT

Permittee	Perpetua Resources Idaho, Inc.
Permit Number	P-2019.0047
Project ID	62288
Facility ID	085-00011
Facility Location	Forest Service Roads NF-374 and NF-412 Stibnite, Idaho 83611

Permit Authority

This permit (a) is issued according to the "Rules for the Control of Air Pollution in Idaho" (Rules), IDAPA 58.01.01.200–228; (b) 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; (c) has been granted on the basis of design information presented with the application; (d) does not affect the title of the premises upon which the equipment is to be located; (e) 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; (f) does not release the permittee from compliance with other applicable federal, state, tribal, or local laws, regulations, or ordinances; and (g) in no manner implies or suggests that the Idaho 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. Changes in design, equipment, or operations may be considered a modification subject to DEQ review in accordance with IDAPA 58.01.01.200–228.

Date Issued June 17, 2022

Kelli Wetzel

Kelli Wetzel, Permit Writer

Mike Simon

Mike Simon, Stationary Source Bureau Chief

Contents

1 Permit Scope

Purpose

1.1 This is an initial permit to construct (PTC) for ore processing, ore concentration and refining, and ancillary equipment at the Stibnite Gold Project (SGP).

Regulated Sources

1.2 Table 1.1 lists all sources of regulated emissions in this permit.

Source ID No.	Source	Control Equipment
Mining		
	Drilling activities	Reasonable control and Fugitive Dust Control Plan (FDCP) Dust collection systems on drilling rigs Control efficiency: 90%
	Blasting activities	Reasonable control & FDCP
	Excavating and hauling activities	Reasonable control & FDCP – Chemical suppression and water sprays Control efficiency: 93.3% for PM/PM_{10} (haul roads) Haul road capping with low-arsenic (90 ppm or less) quartzite
	Rock dumps and storage piles	Reasonable control & FDCP
PS1–2-L/U	(2) Prill Silos #1-2 Maximum capacity: 100 T (each)	Loading – None Unloading – None
Ore Processing		
OC1	Loader Transfer of Ore to Grizzly	Reasonable control & FDCP – Water sprays and moisture carryover
OC2	Grizzly to Apron Feeder	
OC3	Conveyor – Apron Feeder to Dribble	
OC4	Conveyor – Apron Feeder to Grizzly	
OC5	Conveyor – Dribble to Grizzly	
OC6	Grizzly to Primary Crusher or Coarse Ore Stockpile Feed	
OC7	Primary Crusher	Reasonable control & FDCP – Water sprays and moisture carryover
OC8	Conveyor – Coarse Ore Stockpile Feed Transfer to Stockpile	
OC9	Stockpile Transfer to Reclaim Conveyors	Reasonable control & FDCP – Below-grade of storage piles Control efficiency: 80% for PM/PM_{10}
OC10	Conveyor – Reclaim Conveyors to SAG Mill Feed Conveyor	
OC11	Conveyor – SAG Mill Feed Transfer to SAG Mill	Reasonable control & FDCP – Enclosure Control efficiency: 80% for PM/PM_{10}
OC12	Pebble Crusher	Reasonable control & FDCP – Water sprays and moisture carryover
OC13	Pebble Discharge to SAG Mill Feed	
Ore Concentration and Refining		
CN Tanks	Cyanide Leach Tanks and Cyanide Detox Tanks	Chemical treatment (lime, caustic soda, hydrogen peroxide, copper sulfate, etc.)
Float Tanks	Floatation Tanks	None

Source ID No.	Source	Control Equipment
AC	Autoclave (AC)	Venturi Scrubber (VS1) Vent Gas Cleaning Tower (ST1) Vent Gas Steam Condensation Tower (CT1) Carbon Filter (CA5) Type: sulfur-impregnated activated carbon Form: granulated
EW	Electrowinning Cells and Pregnant Solution Tank	Shared Carbon Filter (CA2) Type: sulfur-impregnated activated carbon Form: granulated
MR	Mercury Retort	Condenser Carbon Filter (CA3) Type: sulfur-impregnated activated carbon Form: granulated
MF	Induction Melting Furnace	Baghouse (BH2) Carbon Filter (CA4) Type: sulfur-impregnated activated carbon Form: granulated
CKD	Carbon Regeneration Kiln (Drum)	Wet Scrubber (WS2) Carbon Filter (CA1) Type: sulfur-impregnated activated carbon Form: granulated
Tailings and Maintenance Pond activities		Chemical treatment, reasonable control & FDCP
Process Heating		
ACB	POX Boiler (for AC) Maximum capacity: 17 MMBtu/hr Fuel: propane	None
HS	Strip Circuit Solution Heater Maximum capacity: 5 MMBtu/hr Fuel: propane	None
CKB	Carbon Regeneration Kiln Burners Maximum capacity: 2.255 MMBtu/hr Fuel: propane	None
PV	Propane Vaporizer Maximum capacity: 0.1 MMBtu/hr Fuel: propane	None
LKC	PFR Shaft Lime Kiln Combustion Maximum capacity: 22.0 MMBtu/hr Fuel: propane	None

Source ID No.	Source	Control Equipment
Lime Production		
LS1	Limestone transfer to Primary Crusher Hopper	Reasonable control & FDCP
LS2	Primary Crusher Maximum capacity: 1,130 T/day	
LS3	Primary Screen	
LS4	Secondary Crusher	
LS5	Secondary Screen	
LS6	Conveyor – Limestone to Ball Mill Feed Bin	
LS7	Conveyor – Limestone to Ball Mill Feed	
LS8	Conveyor – Ball Mill Feed to Ball Mill	
LSBM	Limestone Ball Mill	Reasonable control & FDCP Baghouse (BH3)
LS9	Conveyor – Limestone to Kiln Feed Bin	Reasonable control & FDCP
LS10	Conveyor – Limestone to Lime Kiln Feed	
LS11	Fines Screen	
LS12	Conveyor – Kiln Feed to PFR Shaft Lime Kiln	
LK	Parallel Flow Regenerative (PFR) Shaft Kiln	Reasonable control & FDCP Baghouse (BH4)
LCR	Lime Mill Crusher	Reasonable control & FDCP Baghouse (BH5)
LS-L/U	Bucket Elevator – Pebble Lime Silo Loading	Loading – Bin Vent Filter
	Pebble Lime Silo discharge to Lime Slaker	Unloading – Wet Scrubber (WS3)
LS1-L/U	SAG Mill Lime Silo #1 Maximum capacity: 250 T/day	Loading – Bin Vent Filter Unloading – None
MillS2-L/U	SAG Mill Lime Silo #2 Maximum capacity: 250 T/day	Loading – Bin Vent Filter Unloading – None
ACS1	AC Lime Silo #1 Maximum capacity: 1,000 T/day	Loading – Bin Vent Filter Unloading – None
ACS2	AC Lime Silo #2 Maximum capacity: 1,000 T/day	Loading – Bin Vent Filter Unloading – None
ACS3	AC Lime Silo #3 Maximum capacity: 1,000 T/day	Loading – Bin Vent Filter Unloading – None
ACS4	AC Lime Silo #4 Maximum capacity: 500 T/day	Loading – Bin Vent Filter Unloading – None
Aggregate Production		
PCSP1	Portable Crushing and Screening Plant 1 Crushers, screens, and conveyors	Reasonable control & FDCP – water sprays and moisture carryover
PCSP2	Portable Crushing and Screening Plant 2 Crushers, screens, and conveyors	Reasonable control & FDCP – water sprays and moisture carryover
Concrete Production		
CM	Central Mixer Loading Maximum capacity: 120 T/hr	Reasonable control & FDCP – Controls may include water sprays, enclosures, hoods, curtains, shrouds, movable and telescoping chutes, and central duct collection systems.
CS1-L/U	Cement/Shotcrete Silo #1 Maximum capacity: 80 T	Loading – Bin Vent Filter Unloading – None
CS2-L/U	Cement/Shotcrete Silo #2 Maximum capacity: 80 T	Loading – Bin Vent Filter Unloading – None
CA-L/U	Aggregate Bin Maximum capacity: 2,400 T	Loading – None Unloading – None

Source ID No.	Source	Control Equipment
Heating, Ventilation, and Air Conditioning (HVAC)		
H1M	Mine Air Heater #1 Maximum capacity: 4 MMBtu/hr Fuel: propane	None
H2M	Mine Air Heater #2 Maximum capacity: 4 MMBtu/hr Fuel: propane	None
HM	(4) Mill HVAC Heaters #1-4 Maximum capacity: 1.0 MMBtu/hr (each) Fuel: propane	None
HAC	Autoclave HVAC Heater Maximum capacity: 0.25 MMBtu/hr Fuel: propane	None
HR	Refinery HVAC Heater Maximum capacity: 0.25 MMBtu/hr Fuel: propane	None
HA	Admin HVAC Heater Maximum capacity: 0.25 MMBtu/hr Fuel: propane	None
HMO	(2) Mine Ops. HVAC Heaters Maximum capacity: 0.25 MMBtu/hr (each) Fuel: propane	None
HTS	(2) Truck Shop HVAC Heaters Maximum capacity: 1.0 MMBtu/hr (each) Fuel: propane	None
HW	(3) Warehouse HVAC Heaters Maximum capacity: 1.0 MMBtu/hr (each) Fuel: propane	None

Source ID No.	Source	Control Equipment
Emergency Power Generation and Fire Suppression		
EDG1	Camp Emergency Generator Date of construction: 2007 or later Maximum capacity: 1,000 bkW Maximum operation: 100 hr/yr (non-emergency) Fuel: ultra-low sulfur diesel (ULSD) Displacement: <10 L/cyl	EPA Tier 2 certified or better
EDG2	Plant Emergency Generator #1 Date of construction: 2007 or later Maximum capacity: 1,000 bkW Maximum operation: 100 hr/yr (non-emergency) Fuel: ULSD Displacement: <10 L/cyl	EPA Tier 2 certified or better
EDG3	Plant Emergency Generator #2 Date of construction: 2007 or later Maximum capacity: 1,000 bkW Maximum operation: 100 hr/yr (non-emergency) Fuel: ULSD Displacement: <10 L/cyl	EPA Tier 2 certified or better
EDFP	Mill Fire Pump Date of construction: 2009 or later Maximum capacity: 200 bkW Maximum operation: 100 hr/yr (non-emergency) Fuel: ULSD Displacement: <10 L/cyl	None
Fuel Storage		
TG1–TG2	Mine Site Gasoline Tanks (#1 through #2) Maximum capacity: 5,000 gal each	Lids or other appropriate closure with gasketed seal and submerged filling
TD3–TD10	Mine Site Diesel Tanks (#3 through #10)	Lids or other appropriate closure

2 Facility-Wide

Fugitive Dust

2.1 All reasonable precautions shall be taken to prevent particulate matter from becoming airborne in accordance with IDAPA 58.01.01.650-651. 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 which might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:

- 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 land.
- 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, when practical, 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.

2.2 At least once every 12 hours, the permittee shall monitor and maintain records of the frequency and the methods used (e.g., water, chemical dust suppressants) to reasonably control fugitive dust emissions.

2.3 The permittee shall maintain records of all fugitive dust complaints received. The permittee shall take appropriate corrective action as expeditiously as practicable after receipt of a valid complaint. The records shall include, at a minimum, the date that 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.

2.4 Each day during daylight hours and under normal operating conditions, the permittee shall conduct a facility-wide inspection of potential sources of fugitive emissions from the following equipment: drilling activities, blasting activities, excavating and hauling activities, rock dumps and storage piles, ore processing, aggregate production, and central mixer loading. These sources are identified in the Fugitive Dust Control Plan to ensure that the methods used to reasonably control fugitive dust emissions are effective. If 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 dust 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 dust emissions, and the date the corrective action was taken.

2.5 Fugitive dust control measures shall be applied to haul roads on a frequency such that visible emissions from vehicle traffic on a haul road do not exceed 10% opacity. When emissions are observed at any time to exceed this control trigger level, an appropriate control measure such as those defined in the Fugitive Dust Control Plan (FDCP) shall be used to reasonably control the emissions of fugitive dust. If the control measure chosen does not adequately control fugitive dust emissions, the permittee shall employ additional control measures until fugitive dust control is achieved.

2.6 The permittee shall develop and maintain a FDCP to ensure compliance with fugitive dust requirements (Permit Conditions 2.1–2.5) and also fugitive dust best management practices at the lime production, aggregate production, and concrete plants in accordance with IDAPA 58.01.01.799. The permittee shall comply with the FDCP at all times. The requirements specified in the FDCP shall be incorporated by reference to this permit and shall be enforceable permit conditions. At a minimum, the FDCP shall contain a list of all potential sources of fugitive dust emissions and the following reasonable precautions to minimize fugitive dust emissions (Permit Condition 2.1):

- Post and limit the maximum speed of haul trucks in accordance with the FDCP. Signs shall be posted along the haul route and placed so they are visible to vehicles entering and leaving the site of operations.
- Apply water or suitable dust suppressant chemicals (e.g., magnesium chloride, calcium chloride) to disturbed areas, haul roads, equipment staging areas, parking areas, and storage piles during the dry season and at other times as necessary to control fugitive dust.
- Prior to onset of winter conditions each year, the condition of haul and access roads should be assessed before freeze-up and required maintenance needed to maintain the roads through the winter months should be performed, and any preventative dust suppression activities should be completed before the roads are frozen and liquid application of suppressants or water are unrealistic.
- Apply water or suitable dust suppressant chemicals to transfer points, screening operations, and crushing operations identified in the FDCP as necessary to control fugitive dust. Transfer points include points where material (e.g., ore and development rock (DR), lime, aggregate, cement, etc.) is transferred to or from a belt conveyor, conveying system, bucket elevator, screening operation, or stockpile. Controls shall include manual water spray capability or installing, operating, and maintaining water spray bars at transfer points to wet the material and to provide moisture carryover for downstream control. Controls shall also include limiting drop heights in truck loading, front-end loader dumping, and conveying operations to ensure a homogeneous flow of material.
- Apply water or suitable dust suppressant chemicals to storage piles as necessary to control fugitive dust. Water may need to be applied to storage piles before and during truck loading, and when stockpiled ore and waste rock is not processed promptly in order to avoid drying and becoming airborne. Stockpile height should be limited to limit disturbance.
- Apply appropriate dust control at the initial point of material handling to suppress dust throughout the material handling process.
- Apply crushed gravel to haul roads, equipment staging areas, and other areas as necessary to limit migration of fine sediment.
- Install wind fences or barriers around, place below grade, or enclose all storage piles, parking areas, and equipment staging areas as necessary to control fugitive dust. This is required for

the Stockpile Transfer to Reclaim Conveyors (OC9), Reclaim Conveyors to SAG Mill Feed Conveyor (OC10), and SAG Mill Feed Transfer to SAG Mill conveyor (OC11).

- Develop specific criteria to determine what frequency and type (water and/or chemical) of dust suppressant must be applied, and appropriate suppressant application rates. Chemical dust suppressants shall be applied consistent with manufacturer's instructions and recommendations.
- Develop and implement precautionary measures to address high-wind events, such as when average (sustained) wind speed is forecast to exceed 25 miles per hour.
- Provide training/orientation to all relevant employees regarding FDCP requirements, including the necessity of restricting public access as specified in the Access Management Plan (AMP). Visible emissions evaluations shall be conducted by the permittee's employees who are certified visible emission observers.
- At least once each year, evaluate FDCP requirements to identify additional requirements and evaluate effectiveness of practices, including dust suppressant application rates, as appropriate.

2.7 The permittee shall develop and maintain an AMP that identifies the facility boundary and all primary and secondary access points, and clearly specifies measures used to discourage public access to the facility. The permittee shall comply with the measures identified in the AMP at all times. The measures specified in the AMP shall be incorporated by reference to this permit and shall be enforceable permit conditions. At a minimum, the AMP shall include requirements to:

- Observe all primary access points to preclude unauthorized public access. Onsite personnel shall be available for this purpose during active mining and mineral processing operations. Public access to the facility may be monitored by the use of security escort vehicles or manned guardhouses, or sufficiently precluded by the use of locked gates, barriers, or equivalent measures. Primary access points include the North and South Security Gates.
- Post warning signs and periodically patrol secondary access points to the facility to preclude public access. Onsite personnel shall be available for this purpose. Plans shall be described in the AMP, including identifying the access points monitored, the frequency of patrol, and measures employed to discourage access (e.g., locked gates, barriers, natural features, etc.). Secondary access points include secondary roadways and trails traversing the facility.
- Only registered guests of the facility will be allowed access to or through the facility. Those seeking to be a guest for the sole purpose of passing through the facility to another destination shall be provided a registration sheet that explains Perpetua's requirements for accessing the site and identifies potential hazards of the site.

2.8 Copies of the FDCP and AMP shall be submitted to DEQ for approval 30 days prior to startup at the address provided (Permit Condition 2.26), and shall remain onsite at all times. Any changes to the FDCP or the AMP shall be submitted to DEQ for review, comment, and approval 30 days prior to the change.

Visible Emissions

2.9 The permittee shall not discharge any air pollutant to the atmosphere from any point of emission for a period or periods aggregating more than three minutes in any 60-minute period which is greater than 20% opacity as determined by the test methods and procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, nitrogen oxides, and/or chlorine gas is the only reason for the failure of the emission to comply with this permit condition.

2.10 Each day during daylight hours and under normal operating conditions, the permittee shall conduct a facility-wide inspection of potential point sources of visible emissions including stacks, vents, and functionally equivalent openings. Sources that are monitored using a continuous opacity monitoring system (COMS) are not required to comply with this permit condition. The inspection shall consist of a see/no see evaluation for each potential source of visible emissions. If any visible emissions are present from any point of emission, the permittee shall either:

- Take appropriate corrective action as expeditiously as practicable to eliminate the visible emissions. Within 24 hours of the initial see/no see evaluation and after the corrective action, the permittee shall conduct a see/no see evaluation of the emissions point in question. If the visible emissions are not eliminated, the permittee shall comply with the following; 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 the annual compliance certification and in accordance with IDAPA 58.01.01.130-136.

2.11 The permittee shall maintain records of the results of each visible emission 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.

2.12 The permittee shall have a certified opacity reader onsite at all times during operation of any regulated sources (in Table 1.1). The reader shall be certified in using the test methods and procedures of EPA Reference Methods 9 and knowledgeable of Method 22 procedures.

2.13 Reserved.

Odor

2.14 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.

2.15 The permittee shall maintain records of all odor complaints received. If the complaint has merit, the permittee shall take appropriate corrective action as expeditiously as practicable. The records shall include, at a minimum, the date that 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.

Fuels

2.16 The permittee shall not sell, distribute, use, or make available for use any distillate fuel oil containing more than the following percentages of sulfur, in accordance with IDAPA 58.01.01.725:

- ASTM Grade 1 fuel oil - 0.3% by weight.
- ASTM Grade 2 fuel oil - 0.5% by weight.

2.17 The permittee shall maintain documentation of supplier verification of fuel oil sulfur content on an as-received basis to ensure compliance with fuel specifications (Permit Condition 2.16).

2.18 The maximum throughput of gasoline to the Gasoline Tanks (TG1, TG2) shall not exceed 100,000 gallons per month (gal/mo).

2.19 After startup, each month the permittee shall maintain records demonstrating compliance with gasoline throughput limits, by tracking either amounts loaded or amounts dispensed from each Gasoline Tank.

O&M Manual

2.20 Thirty days prior to startup of any process equipment (Permit Condition 2.13), the permittee shall develop and maintain an Operation and Maintenance (O&M) manual to ensure compliance with emission limits (Permit Conditions 2.9, 2.13, 4.3, and 5.3) and the control equipment maintenance and operation general provision (Permit Condition 7.2). The O&M manual shall be a permittee-developed document based upon, but independent from, manufacturer-supplied operating manuals. The permittee shall operate control equipment in accordance with the O&M manual at all times. The requirements in the O&M manual shall be incorporated by reference to this permit and shall be enforceable permit conditions. At a minimum, the O&M manual shall include the following for all (Table 1.1):

- Identify the manufacturer, model, date of manufacture, and maximum capacity (as-built) for each regulated emission source assigned a source ID, and for each control device in the service of ore concentration and refining, lime production, and concrete production (in Table 1.1). For each wet scrubber, vent gas cleaning tower, venturi scrubber, carbon filter, baghouse and bin vent filter cartridge control device, a copy of the vendor-supplied performance guarantee shall be included. For each engine, a copy of the EPA tier certification shall be included. For each cyanide leach tank and for each cyanide detox tank, the tank dimensions (e.g., diameter) shall be included.
- Establish operating ranges for control equipment, based on manufacturer specifications and conditions measured during performance testing.
    - Minimum pressure drop across each wet scrubber, vent gas cleaning tower, and venturi scrubber;
    - Minimum circulation flow rate for each wet scrubber, vent gas cleaning tower, venturi scrubber;
    - Maximum inlet gas stream temperature to each carbon filter;
    - Maximum pressure drop across each carbon filter;
    - Minimum pressure drop across each baghouse; and
    - Minimum coolant flow rate in the mercury retort (MR) condenser and vent gas steam condensation tower;

- Describe the procedures for proper operation, startup, and shutdown of control equipment, based on manufacturer specifications.
- Describe the schedule and procedures for routine inspection (Permit Condition 2.10), maintenance, repair, and replacement of control equipment.
    - See-no-see visible emissions inspection of each wet scrubber, carbon filter, baghouse, and bin vent shall be conducted at least once per day.
    - At least once every six months, the drum lining of the carbon regeneration kiln shall be visually inspected for structural damage and cracks.
    - The dates, times, and results from each inspection (as required by Permit Condition 2.11), corrective action, maintenance, repair, and replacement of control equipment shall be recorded at least once per month.
    - The replacement dates for each baghouse and bin vent filter cartridge and for each activated carbon filter medium shall be recorded at the time of each replacement. For cartridges, records shall include the manufacturer and model. For carbon filters, records shall include the manufacturer, type, and form of medium added. Records shall also include any changes in supplier and other relevant information.
    - All carbon filter beds shall be disposed of in an acceptable manner in compliance with all applicable state rules and federal regulations.
- Describe the schedule and procedures for corrective action that will be taken if visible emissions are present from wet scrubber (WS2, WS3), carbon filter (CA1, CA2, CA3, CA4, CA5), baghouse (BH2, BH3, BH4, BH5), or bin vent filter (LS, LS1, MillS2, ACS1, ACS2, ACS3, ACS4, CS1, CS2) control equipment at any time. Procedures should include how to determine whether filter cartridges are ruptured or are not appropriately secured in place, and how to determine whether the wet scrubber, condenser, and carbon filters are operating properly.
- Describe each monitoring device and methodology used to measure weight rates of materials to demonstrate compliance with each material throughput limit (Permit Conditions 3.5–3.9, 4.8–4.11, and 5.4–5.8). Procedures for proper installation, calibration, and maintenance shall be included.
- Describe each monitoring device and methodology used to measure the volumetric rates of materials to demonstrate compliance with the electrowinning cells and pregnant solution tank throughput limit (Permit Condition 4.12). Procedures for proper installation, calibration, and maintenance shall be included.
- Describe each monitoring device and methodology used to monitor pH, temperature, and free cyanide in each cyanide leach tank, each cyanide detox tank, and each tailings reclaim stream to comply with Cyanide Emissions Limit Compliance Monitoring (Permit Condition 4.18). Procedures for proper installation, calibration, and maintenance shall be included.
- Describe the methodology and sample calculations used to estimate monthly and rolling 12-month facility-wide cyanide emissions to assess compliance with the Cyanide Emissions Limit (Permit Condition 4.4). Calculations shall be based on the pH, temperature, and free cyanide concentrations that are measured each day, and the methodology used shall be consistent with the permittee's application as addended December 18, 2020 and shall be based on the following equation:

    $r_v = k_g \alpha_0 C_l H A F_a F_w$

where,

r_v = hydrogen cyanide emissions from surface (g/s)

k_g = gas phase mass transfer coefficient (m/s)

α_0 = non-ionized cyanide fraction determined from pH and pK_a (ionization coefficient)

C_l = total liquid phase free cyanide concentration (g/m^3)

H = Henrys Law Coefficient (g/m^3 per g/m^3)

A = process surface area (m^2)

F_a = area factor

F_w = wind factor

- Describe the monitoring methodology used to monitor xanthates usage (Permit Condition 4.19).

2.21 The O&M manual shall be submitted for approval to DEQ 30 days prior to startup of any ore processing, ore concentration and refining, lime production, or aggregate production emission source regulated by this permit (as identified in Table 1.1) at the address provided (Permit Condition 2.26), and shall remain onsite at all times. Any changes to the O&M manual shall be submitted to DEQ for review, comment, and approval 30 days prior to the change.

Incorporation of Federal Requirements

2.22 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 60, Subpart A – General Provisions.
- NSPS 40 CFR 60, Subpart LL – Standards of Performance for Metallic Mineral Processing Plants. Each crusher (OC7, OC12), conveyor belt transfer point (OC2–OC6, OC9–OC11, OC13), and truck unloading station (OC1) is an affected facility.
- NSPS 40 CFR 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. Each crusher (LS2, LS4), grinding mill (LSBM), screening operation (LS3, LS5, LS11), belt conveyor (LS6–LS10, LS12), and storage bin (LS1) is an affected facility.
- NSPS 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Each emergency generator engine and fire pump (EDG1, EDG2, EDG3, and EDFP) is an affected facility.
- National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP) 40 CFR 63, Subpart A – General Provisions.
- NESHAP 40 CFR 63, Subpart EEEEEEE – National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category. The collection of ore pretreatment processes including the autoclave (AC) and the carbon process including the carbon regeneration kiln (CKD), the electrowinning cells and pregnant solution tank (EW), the mercury retort (MR), and the induction melting furnace (MF) are affected facilities.

- NESHAP 40 CFR 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE). Each emergency generator engine and fire pump (EDG1, EDG2, EDG3, and EDFP) is an affected facility.
- NESHAP 40 CFR 63, Subpart CCCCCC – National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities. Each gasoline fuel storage tank (TG1, TG2) is an affected facility.

The permittee shall comply with all applicable NSPS and NESHAP requirements. 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.

2.23 In accordance with IDAPA 58.01.01.314.06, the permittee shall notify DEQ in writing the date upon which the Tier I source (e.g., gold ore concentration and refining process equipment) commences operation. The notification shall be titled, "TIER I SOURCE NOTIFICATION OF COMMENCING OPERATION," and shall include the name of the permittee, the permit and project numbers, the date the permit was issued, and the date the Tier I source commences operation. The notification shall be submitted to DEQ within five (5) days of commencing operation and shall be sent to:

Air Quality Permitting
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706-1255

2.24 In accordance with IDAPA 58.01.01.313.01.b., the permittee shall submit a complete application to DEQ at the address provided (Permit Condition 2.26) for an initial Tier I operating permit within 12 months of becoming a Tier I source or commencing operation.

Test Methods

2.25 Except as otherwise specified in this permit and in IDAPA 58.01.01.157.02, when testing is required the following test methods shall be used to measure pollutant emissions.

Table 2.1 Test Methods

Pollutant		Test Method	Additional Requirements
H_2SO_4		EPA Method 8	
$PM_{2.5}$ or PM_{10}		EPA Methods 5 and 202, or 201A and 202	Particulate matter (PM), including condensable PM as defined in IDAPA 58.01.01.006 with an aerodynamic diameter less than or equal to a nominal 10 micrometers for PM_{10}, and less than or equal to a nominal 2.5 micrometers for $PM_{2.5}$.
Opacity	point	EPA Method 9	For NSPS and NESHAP sources, use IDAPA 58.01.01.625 and Method 9. For other sources, use IDAPA 58.01.01.625 only.
	fugitive	EPA Method 22	Visible fugitive PM.

Notifications

2.26 All requests, reports, applications, submittals, certifications, and other communications required by this permit shall be submitted to:

Air Quality Permit Compliance
Department of Environmental Quality
Boise Regional Office
1445 N. Orchard St.
Boise, Idaho 83706

phone: (208) 373-0550
fax: (208) 373-0287

3 Mining and Ore Processing

3.1 Process Description

Conventional open-pit mining methods including drilling, blasting, excavating, and hauling will be used to extract ore and waste rock, termed development rock (DR). Hydraulic shovels and front-end loaders will be used to load ore and DR into haul trucks. DR will be used for construction, restoration, and backfilling, or hauled to dedicated development rock storage facilities (DRSF). Approximately 340 million tons of DR will be handled over the life of the mine.

The SGP will include three years of pre-mining development and construction activities, followed by an operating mine life of approximately 12 years. Mining will occur in three open pits: Yellow Pine Pit (YPP), Hangar Flats pit (HFP), and West End pit (WEP). Legacy tailings from the Meadow Creek valley (Bradley Tailings [BT]) will also be reclaimed and reprocessed. Surface exploration drilling will occur within the pits and underground within the Scout Prospect decline.

Ore will be hauled to the primary crusher area, where it will be fed directly into the crusher dump pocket or stockpiled. The ore crushing plant will be designed to operate at a maximum rate of 25,000 tons per calendar day (T/day). Approximately 100 million tons of ore will be mined from the three pits over the life of the project.

The metal-recovery process from ore will include conventional crushing and grinding, followed by froth-flotation circuits that will generate separate gold-silver and antimony-silver concentrates. The antimony-silver concentrate will be shipped offsite for refining, whereas additional onsite processing of the gold-silver concentrate will include pressure oxidation, carbon-in-leach circuits, and refining processes to recover gold and minor amounts of silver. The finely ground leftover ore material from the mineral-recovery process, termed tailings, will be neutralized, thickened, and transported via a pipeline to the tailings storage facility.

3.2 Control Device Descriptions

Table 3.1 contains a description of control equipment used to control emissions from mining and ore processing activities.

Table 3.1 Mining and Ore Processing Control Device Descriptions

Emission Sources	Control Devices
Mining	
Drilling activities	Reasonable control and Fugitive Dust Control Plan (FDCP) Dust collection systems on drilling rigs Control efficiency: 90%
Blasting activities	Reasonable control & FDCP
Excavating and hauling activities	Reasonable control & FDCP Chemical suppression and water sprays Control efficiency: 93.3% for PM/PM_{10} (haul roads) Haul road capping with low-arsenic quartzite
Rock dumps and storage piles	Reasonable control & FDCP
(2) Prill Silos #1-2 Maximum capacity: 100 T (each)	None
Ore Processing	
Loader Transfer of Ore to Grizzly	Reasonable control & FDCP Water sprays and moisture carryover
Grizzly to Apron Feeder	
Apron Feeder to Dribble	
Apron Feeder to Grizzly	
Dribble to Grizzly	
Grizzly to Primary Crusher or Coarse Ore Stockpile Feed	
Primary Crusher	Reasonable control & FDCP Water sprays and moisture carryover
Coarse Ore Stockpile Feed Transfer to Stockpile	
Stockpile Transfer to Reclaim Conveyors	Reasonable control & FDCP Below-grade of storage piles Control efficiency: 80% for PM/PM_{10}
Reclaim Conveyors to SAG Mill Feed Conveyor	
SAG Mill Feed Transfer to SAG Mill	Reasonable control & FDCP Enclosure Control efficiency: 80% for PM/PM_{10}
Pebble Crusher	Reasonable control & FDCP Water sprays and moisture carryover
Pebble Discharge to SAG Mill Feed	

Operating Limits

3.3 Drilling Limits

The permittee shall drill no more than 1,200 blast holes per day.

3.4 Blasting Limits

The permittee shall complete no more than two blasting operations per day.

3.5 Daily Hauling and Excavating Limits

The permittee shall haul no more than 180,000 tons per day (T/day) of ore and DR.

The permittee shall haul no more than 135,000 T/day of ore and DR, based on a 5-year rolling average.

3.6 Life of Mine Hauling and Excavating Limits

The permittee shall haul no more than 788.4 million tons (MT) of ore and DR from all deposits over the life of the mine and no more than 394.2 MT of ore and DR from the West End deposit over the life of the mine.

3.7 Primary Crusher Limit

The permittee shall process ore as the raw material in the primary crusher, and the maximum input to the primary crusher shall not exceed 25,000 T/day.

3.8 Pebble Crusher Limit

The permittee shall process ore as the raw material, and the maximum input to the pebble crusher shall not exceed 27,600 T/day.

3.9 Prill Loading Limit

The permittee shall not load in excess of 200 T/day and 9,000 tons per any consecutive 12-month period of prill (ammonium nitrate) to the prill silos.

3.10 Mining and Ore Processing Dust Control

The permittee shall control emissions from mining and ore processing emission sources (Table 3.1) in accordance with the Fugitive Dust Control Plan.

3.11 Drilling Rigs Dust Control System

The permittee shall install and operate dust collection systems with a minimum control efficiency of 90% on all drilling rigs in accordance with the O&M manual (Permit Condition 2.20). The dust collection systems shall be in operation at all times when the drilling rigs are operated.

3.12 Ore Processing Equipment Water Sprays

The permittee shall install, operate, and maintain water sprays in accordance with the O&M manual (Permit Condition 2.20) to control PM emissions from each ore processing crusher and conveyor. Water sprays shall operate according to the FDCP when this equipment is operated to ensure compliance with Fugitive Dust requirements (Permit Conditions 2.1–2.6).

3.13 Haul Road Capping

The permittee shall cap haul roads that are outside of the Yellow Pine Pit (YPP), Hangar Flats Pit (HFP), and West End Pit (WEP) and development rock storage facilities (DRSF) including the Yellow Pine DRSF, Fiddle DRSF, and Hangar Flats DRSF with low-arsenic material.

The permittee shall use low-arsenic quartzite rock deposits from the WEP, or other material with equal or lower arsenic concentration, as capping material. Low-arsenic quartzite rock is defined as material with a median arsenic concentration of 90 parts per million (ppm) or less.

The permittee shall use capping material with a maximum of 4.0% silt content.

The permittee shall develop and maintain a Haul Road Capping Plan (HRCP) that identifies the low-arsenic quartzite rock deposits in the West End pit based on core sample analyses. The permittee shall comply with the measures identified in the HRCP at all times. The measures specified in the HRCP shall be incorporated by reference to this permit and shall be enforceable permit conditions. At a minimum, the HRCP shall include:

- The low-arsenic quartzite rock sampling plan including standard operational procedure for sampling, frequency of sampling, and ASTM (or equivalent) method of analysis for arsenic concentration.
- The frequency of inspection of the haul roads and maintenance procedures.
- The silt content sampling plan including standard operational procedure for sampling, frequency of sampling, and ASTM (or equivalent) method of analysis for silt content.

A copy of the HRCP shall be submitted to DEQ for approval 30 days prior to startup at the address provided (Permit Condition 2.26), and shall remain onsite at all times. Any changes to the HRCP shall be submitted to DEQ for review, comment, and approval 30 days prior to the change.

Monitoring and Recordkeeping Requirements

3.14 Drilling Limits Monitoring

Each day, the permittee shall monitor and record the number of blast holes drilled.

3.15 Blasting Limits Monitoring

Each day, the permittee shall monitor and record the number of blasting operations completed.

3.16 Daily Hauling and Excavating Monitoring

Each day, the permittee shall monitor and record the amount of ore and DR transported on haul trucks (T/day). The devices and methodologies used to measure weights shall be identified in the O&M Manual.

Each calendar month, the permittee shall monitor and record the amount of ore and DR transported on haul trucks in tons per month (T/mo) and in tons per year (T/yr). Annual amounts of ore and DR transported shall be determined by summing the monthly amount over the previous consecutive 12-month period. The annual amounts of ore and DR transported shall be used to calculate the 5-year rolling average in T/day.

3.17 Life of Mine Hauling and Excavating Limit Monitoring

Each day, the permittee shall monitor and record the amount of ore and DR transported on haul trucks from all deposits (T/day) and the amount of ore and DR transported on haul trucks (T/day) from the West End deposit. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

Each calendar month, the permittee shall monitor and record the amount of ore and DR transported on haul trucks in tons per month (T/mo) and in tons per year (T/yr) from all deposits and the West End deposit. Annual amounts of ore and DR transported shall be determined by summing the monthly amount over the previous consecutive 12-month period. The annual amounts of ore and DR transported shall be used to calculate the life of mine total (MT) for all deposits and the West End deposit.

3.18 Primary Crusher Limit Monitoring

Each day, the permittee shall monitor and record the tons of ore input to the crusher (T/day). The devices and methodologies used to measure weights shall be identified in the O&M Manual.

3.19 Pebble Crusher Limit Monitoring

Each day, the permittee shall monitor and record the tons of ore input to the pebble crusher (T/day). The devices and methodologies used to measure weights shall be identified in the O&M Manual.

3.20 Prill Loading Limit Monitoring

Each day, the permittee shall monitor and record the amount of prill loaded to all of the prill silos combined in tons (T/day). The devices and methodologies used to measure weights shall be identified in the O&M Manual.

Each month, the permittee shall monitor and record the amount of prill loaded to all of the prill silos combined in tons per month (T/mo) and in tons per year (T/yr) to demonstrate compliance with the annual prill silos limit. Annual prill loaded shall be determined by summing the monthly input over the previous consecutive 12-month period.

4 Ore Concentration and Refining

4.1 Process Description

The autoclave is a pressure oxidation (POX) vessel used to oxidize gold gold-silver concentrate at elevated temperature and pressure in the presence of oxygen. Upon exiting the autoclave, the slurry is cooled in flash vessels and neutralized using lime and caustic soda prior to being sent to the vat leaching circuit for gold and silver recovery. A dilute sodium cyanide solution is added to the leach tanks to dissolve the gold and silver from the ore. Leached "pulp" is sent to multistage carbon-in-pulp (CIP) and/or carbon-in-leach (CIL) tanks, where gold is recovered onto activated carbon. The autoclave is located in the POX Building and the exhaust from the autoclave passes through a venturi scrubber, vent gas cleaning tower, vent gas steam condensation tower, and carbon filter.

Carbon loaded with gold is removed and washed with acid, then stripped with a caustic solution. This mineral-bearing solution is sent to the electrowinning cells and pregnant solution tank (EW). The EW cells remove the gold from the solution by plating it onto cathodes consisting of stainless-steel plates with steel wool. The EW cell exhaust passes through a carbon adsorption column (CA2), where remaining mercury vapor is adsorbed onto sulfur-impregnated activated carbon (SIAC). The stripped carbon must be periodically regenerated in the carbon regeneration kiln. Exhaust from the carbon regeneration kiln passes through a carbon adsorption bed (CA1), where mercury is adsorbed onto SIAC.

Gold concentrate is loaded into the mercury retort (MR), where it is heated under vacuum to drive off mercury. The MR exhaust passes through a shell-and-tube condenser to cool the exhaust and condense the mercury vapor into a liquid, which is collected by the mercury trap. The exhaust passes through a carbon adsorption column (CA3), where remaining vapor mercury is adsorbed onto SIAC.

After retorting, the gold concentrate is transferred to the electric induction melting furnace. Only retorted concentrate is melted in the furnace. The exhaust passes through a carbon adsorption column (CA4), where remaining mercury vapor is adsorbed onto SIAC. The electrowinning cells and pregnant solution tank, carbon regeneration kiln, MR, and induction melting furnace are located in the Refinery Building.

4.2 Control Device Descriptions

Table 4.1 Ore Concentration and Refining Control Device Descriptions

Emissions Unit / Processes	Control Devices	Emission Points
Cyanide Leach Tanks and Cyanide Detox Tanks	Chemical treatment (lime, caustic soda, hydrogen peroxide, copper sulfate, etc.)	Various
Flotation Tanks	None	
Autoclave	Venturi Scrubber (VS1) Minimum pressure drop and Minimum circulation flow rate in O&M	Autoclave Carbon Filter Stack
	Vent Gas Cleaning Tower (ST1) Minimum pressure drop and Minimum circulation flow rate in O&M	
	Vent Gas Steam Condensation Tower (CT1) Minimum coolant flow rate in O&M	
	Carbon Filter (CA5) Maximum pressure drop established in O&M Maximum inlet gas stream temperature established in O&M and by Subpart EEEEEEE	
POX Boiler	None	POX Boiler Stack
Electrowinning Cells and Pregnant Solution Tank	Shared Carbon Filter (CA2) Maximum pressure drop established in O&M Maximum inlet gas stream temperature established in O&M and by Subpart EEEEEEE in O&M	Electrowinning Cells and Pregnant Solution Tank Shared Carbon Filter Stack
Strip Circuit Solution Heater	None	Strip Circuit Solution Heater Stack
Mercury Retort	Condenser Minimum coolant flow rate established in O&M	Mercury Retort Carbon Filter Stack
	Carbon Filter (CA3) Maximum pressure drop established in O&M Maximum inlet gas stream temperature established in O&M and by Subpart EEEEEEE	
Induction Melting Furnace	Baghouse (BH2) Minimum pressure drop established in O&M	Induction Melting Furnace Carbon Filter Stack
	Carbon Filter (CA4) Maximum pressure drop established in O&M Maximum inlet gas stream temperature established in O&M and by Subpart EEEEEEE	
Carbon Regeneration Kiln	Wet Scrubber (WS2) Minimum pressure drop and Minimum circulation flow rate established in O&M	Carbon Regeneration Kiln Carbon Filter Stack
	Carbon Filter (CA1) Maximum pressure drop established in O&M Maximum inlet gas stream temperature established in O&M and by Subpart EEEEEEE	
Carbon Regeneration Kiln Burners	None	Carbon Regeneration Kiln Burners Stack
Propane Vaporizer	None	Propane Vaporizer Stack
Tailings and Maintenance Pond	None	Various

Emission Limits

4.3 Ore Concentration and Refining Equipment Emissions Limits

Emissions from ore concentration and refining equipment stacks shall not exceed any corresponding emission rate limits (Table 4.2).

Table 4.2 Ore Concentration and Refining Emissions Limits [a]

Source Description	PM / PM_{10} / $PM_{2.5}$ [b]	NO_x	CO	VOC	SO_2	H_2SO_4
	lb/hr [c]	lb/hr [c]	lb/hr [c]	lb/hr [c]	lb/hr [c]	lb/hr [c]
Autoclave (AC)	5.08				0.65	2.03
Carbon regeneration kiln (CKD)	0.42	0.01	0.12	0.11		
Electrowinning cells and pregnant solution tank (EW)	0.07					
Mercury retort (MR)	0.01 [d]					
Induction melting furnace (MF)	2.84					

a) In absence of any other credible evidence, compliance is ensured by complying with permit operating, monitoring, and recordkeeping requirements.
b) Particulate matter (PM) including condensable PM as defined in IDAPA 58.01.01.006, with an aerodynamic diameter less than or equal to a nominal 10 micrometers for PM_{10}, and less than or equal to a nominal 2.5 micrometers for $PM_{2.5}$.
c) Pounds per hour, as determined by a test method prescribed by IDAPA 58.01.01.157, EPA reference test method, continuous emission monitoring system (CEMS) data, or DEQ-approved alternative.
d) For this emission limit, compliance may be demonstrated as measurement below detection limits, when addressed as part of a performance test protocol that is approved by DEQ.

4.4 Cyanide Emissions Limit

Facility-wide emissions shall not exceed 1.99 tons per any consecutive 12-month period of cyanide compounds.

4.5 Carbon Disulfide Emissions Limit

Facility-wide emissions shall not exceed 0.063 tons per any consecutive 12-month period of carbon disulfide.

Operating Limits

4.6 Xanthates Usage

The permittee shall use potassium amyl xanthate (PAX) for flotation treatment. Total xanthate usage shall not exceed 1,700 tons per any consecutive 12-month period.

4.7 POX Boiler Operation

Operation of the POX Boiler shall be limited to the autoclave start-up operation only.

4.8 Autoclave Input

The permittee shall process ore concentrate as the raw material in the autoclave, and the maximum input to the autoclave shall not exceed 6,960 T/day.

4.9 Mercury Retort Input

The permittee shall process precious metal concentrate as the raw material in the mercury retort, and the maximum input to the mercury retort shall not exceed 1,000 pounds per batch (lb/batch) and 21 tons per any consecutive 12-month period.

Precious metal concentrate includes material loaded with precious metals produced by electrowinning, flotation and gravity separation, and other gold concentration or precipitation processes; and material collected from the wash-down of equipment and surfaces contacted with precious metals that have been concentrated through these concentration methods.

4.10 Induction Melting Furnace Input

The permittee shall process retorted concentrate as the raw material in the induction melting furnace, and the input to the induction melting furnace shall not exceed 1,000 lb/batch, and 21 tons per any consecutive 12-month period. Retorted concentrate includes precious metal

concentrate that has been retorted and dust collected from the baghouse and fume hood of the induction melting furnace.

4.11 Carbon Regeneration Kiln Input

The permittee shall process carbon filters as the raw material in the carbon regeneration kiln, and the maximum input to the carbon regeneration kiln shall not exceed 7.2 T/day.

4.12 Electrowinning Cells and Pregnant Solution Tank Throughput

The permittee shall process mineral-bearing solution as the raw materials in the electrowinning cells and pregnant solution tank, and the maximum throughput for the electrowinning cells and pregnant solution tank shall not exceed 100 gallons per minute (gpm).

4.13 Autoclave Venturi Scrubber, Vent Gas Cleaning Tower, Vent Gas Steam Condensation Tower, and Carbon Filter

The permittee shall install, operate, and maintain venturi scrubber (VS1), vent gas cleaning tower (ST1), vent gas steam condensation tower (CT1), and carbon filter (CA5) systems in accordance with the O&M manual (Permit Condition 2.20) and consistent with manufacturer's recommendations. All emissions from the autoclave shall be ducted to these control devices at all times to ensure compliance with autoclave emission limits (Table 4.2).

4.14 Electrowinning Cells and Pregnant Solution Tank Shared Carbon Filter

The permittee shall install, operate, and maintain a carbon filter (CA2) in accordance with the O&M manual (Permit Condition 2.20) and consistent with manufacturer's recommendations. All emissions from the electrowinning cells and pregnant solution tank shall be ducted to a carbon filter at all times to ensure compliance with electrowinning cells and pregnant solution tank emission limits (Table 4.2).

4.15 Mercury Retort Condenser and Carbon Filter

The permittee shall install, operate, and maintain a condenser and carbon filter (CA3) in series in accordance with the O&M manual (Permit Condition 2.20) and manufacturer's recommendations. All emissions from the mercury retort (MR) shall be ducted to the condenser and activated carbon filter at all times to ensure compliance with mercury retort emission limits (Table 4.2).

- The MR shall be fully enclosed in the refinery building.
- The air pressure within the MR shall be maintained lower than the room air pressure such that air flows into the MR at all times when the MR is operating. The MR door shall be kept closed at all times during operation.
- The permittee shall not operate the MR unless the chilled water condenser is operating, carbon filter in place, and the condenser coolant flow rate is maintained within the range specified in the O&M manual.
- The condenser and carbon filter shall be maintained and operated in accordance with the O&M manual.
- All liquid mercury captured from the MR shall be stored in closed containers.

4.16 Induction Melting Furnace Baghouse and Carbon Filter

The permittee shall install, operate, and maintain a baghouse (BH2) and carbon filter (CA4) in series in accordance with the O&M manual (Permit Condition 2.20) and manufacturer's recommendations. All emissions from the induction melting furnace shall be ducted to the

baghouse and carbon filter at all times during operation to ensure compliance with induction melting furnace emission limits (Table 4.2).

4.17 Carbon Regeneration Kiln Wet Scrubber and Carbon Filter

The permittee shall install, operate, and maintain a wet scrubber (WS2) and carbon filter (CA1) in series in accordance with the O&M manual (Permit Condition 2.20) and consistent with manufacturer's recommendations. All emissions from the carbon regeneration kiln shall be ducted to the wet scrubber and a carbon filter at all times to ensure compliance with carbon regeneration kiln drum emission limits (Table 4.2).

Monitoring and Recordkeeping

4.18 Cyanide Emissions Limit Compliance Monitoring

On at least a daily basis, the permittee shall monitor and record the pH, temperature, and free cyanide concentration levels in grams per cubic meter (g/m^3) of each cyanide leach tank, detox tank, and tailings reclaim stream, and use this information to estimate monthly facility-wide cyanide emissions using the equation and calculation methodology in the O&M Manual (Permit Condition 2.20).

Each month, the permittee shall estimate the monthly and rolling 12-month facility-wide cyanide emissions. Monthly facility-wide cyanide emissions shall be estimated from all emission sources including cyanide leach tanks, detox tanks, electrowinning cells and pregnant solution tank, and barren tanks. Rolling 12-month facility-wide cyanide emissions shall be estimated by summing the monthly emissions from all sources over the previous consecutive 12-month period. The rolling 12-month facility-wide cyanide emissions shall be used to assess compliance with the Cyanide Emissions Limit (Permit Condition 4.4).

4.19 Xanthates Usage Monitoring

Each month, the permittee shall monitor and record the xanthates delivered to the facility and the xanthates used by the facility in tons per month (T/mo) and in tons per 12-month period to demonstrate compliance with the xanthates usage limit. Annual delivery and usage shall be determined by summing the respective monthly amounts over the previous consecutive 12-month period. The methodologies used to measure xanthates usage shall be identified in the O&M Manual.

4.20 POX Boiler Operation Monitoring

Each month, the permittee shall monitor and record the operating hours of the POX Boiler, in hours (hr/mo) and in hours per 12-month period (hr/yr). Annual hours shall be determined by summing the monthly hours over the previous consecutive 12-month period.

4.21 Autoclave Input Monitoring

Each day, the permittee shall monitor and record the material input to the autoclave in tons (T/day) to demonstrate compliance with the autoclave input limit. The devices and methodologies used to measure weights shall be identified in the O&M Manual, and the devices shall be installed in accordance with the requirements of NESHAP Subpart EEEEEEE.

4.22 Mercury Retort Input Monitoring

Each day, the permittee shall monitor and record the material input to the mercury retort in pounds (lb/day) to demonstrate compliance with the daily mercury retort input limit. The devices and methodologies used to measure weights shall be in accordance with the requirements of NESHAP Subpart EEEEEEE.

Each month, the permittee shall monitor and record the material input to the mercury retort in T/mo and T/yr to demonstrate compliance with the annual mercury retort input limit. Annual material input shall be determined by summing the monthly input over the previous consecutive 12-month period.

4.23 Induction Melting Furnace Input Monitoring

Each day, the permittee shall monitor and record the material input to the induction melting furnace in pounds (lb/day) to demonstrate compliance with the daily induction melting furnace input limit. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

Each month, the permittee shall monitor and record the material input to the induction melting furnace in T/mo and in T/yr to demonstrate compliance with the annual induction melting furnace input limit. Annual material input shall be determined by summing the monthly input over the previous consecutive 12-month period.

4.24 Carbon Regeneration Kiln Input Monitoring

Each day, the permittee shall monitor and record the material input to the carbon regeneration kiln in tons (T/day) to demonstrate compliance with the carbon regeneration kiln input limit. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

4.25 Electrowinning Cells and Pregnant Solution Tank Throughput Monitoring

Each day, the permittee shall monitor and record the material throughput in the electrowinning cells and pregnant solution tank in gallons per minute (gpm) to demonstrate compliance with the Electrowinning Cells and Pregnant Solution Tank Throughput limit. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

4.26 Autoclave Venturi Scrubber and Vent Gas Cleaning Tower Monitoring

The permittee shall install, calibrate, operate, and maintain devices for monitoring the circulation flow rate in the venturi scrubber, the circulation flow rate in the vent gas cleaning tower, the pressure drop across the venturi scrubber, and the pressure drop across the vent gas cleaning tower for the autoclave.

At least once per shift, the permittee shall monitor and record the circulation flow rate in the venturi scrubber, the circulation flow rate in the vent gas cleaning tower, the pressure drop across the venturi scrubber, and the pressure drop across the vent gas cleaning tower to ensure compliance with O&M specifications.

4.27 Autoclave Vent Gas Steam Condensation Tower Monitoring

The permittee shall install, calibrate, operate, and maintain devices for monitoring the coolant flow rate to the vent gas steam condensation tower for the autoclave.

At least once per shift, the permittee shall monitor and record the coolant flow rate to the vent gas steam condensation tower to ensure compliance with O&M specifications.

4.28 Autoclave Carbon Filter Monitoring

The permittee shall install, calibrate, operate, and maintain devices for monitoring the inlet gas stream temperature to the carbon filter, and the pressure drop across the carbon filter for the autoclave.

At least once per shift, the permittee shall monitor and record the inlet gas stream temperature and pressure drop across the carbon filter to ensure compliance with O&M specifications.

4.29 Electrowinning Cells and Pregnant Solution Tank Shared Carbon Filter Monitoring

The permittee install, calibrate, operate, and maintain devices for monitoring the inlet gas stream temperature to the carbon filter, and the pressure drop across the carbon filter for the electrowinning cells and pregnant solution tank.

At least once per shift, the permittee shall monitor and record the inlet gas stream temperature and pressure drop across the carbon filter to ensure compliance with O&M specifications.

4.30 Mercury Retort Condenser and Carbon Filter Monitoring

The permittee shall install, calibrate, operate, and maintain devices for monitoring the coolant flow rate in the condenser, the inlet gas temperature to the carbon filter, the pressure drop across the carbon filter, and the difference between the pressure inside the MR and the air pressure in the room.

At least once per shift, the permittee shall monitor and record the coolant flow rate to the condenser, the inlet gas stream temperature, the pressure drop across the carbon filter, and the difference between the pressure inside the MR and the air pressure in the room to ensure compliance with O&M specifications.

4.31 Induction Melting Furnace Baghouse and Carbon Filter Monitoring

The permittee shall install, calibrate, operate, and maintain devices for monitoring the pressure drop across the baghouse, the inlet gas stream temperature to the carbon filter, and the pressure drop across the carbon filter for the induction melting furnace.

At least once per shift, the permittee shall monitor and record the pressure drop across the induction melting furnace baghouse, the inlet gas stream temperature to the carbon filter, and pressure drop across the carbon filter to ensure compliance with O&M specifications.

4.32 Carbon Regeneration Kiln Wet Scrubber and Carbon Filter Monitoring

The permittee shall install, calibrate, operate, and maintain a device for monitoring the circulation flow rate in the wet scrubber, the pressure drop across the wet scrubber, the inlet gas stream temperature to the carbon filter, and the pressure drop across the carbon filter for the carbon regeneration kiln.

At least once per shift, the permittee shall monitor and record the circulation flow rate, the pressure drop across the carbon regeneration kiln wet scrubber, the inlet gas stream temperature to the carbon filter, and the pressure drop across the carbon filter to ensure compliance with O&M specifications.

Testing

4.33 Ore Concentration and Refining Equipment Performance Tests

Within 180 days after initial startup, performance testing shall be conducted to demonstrate compliance with the following Ore Concentration and Refining Equipment Emissions Limits. The permittee shall conduct three separate test runs for each performance test using the appropriate test method (Permit Condition 2.25). The source test shall be conducted under "worst-case normal" conditions as required by IDAPA 58.01.01.157 and the General Provisions of this permit, and the source test report shall contain documentation that the test was conducted under these conditions.

- $PM_{10}/PM_{2.5}$ and H_2SO_4 in lb/hr from the Autoclave Wet Scrubber Stack
- $PM_{10}/PM_{2.5}$ in lb/hr from the Carbon Regeneration Kiln Carbon Filter Stack

- $PM_{10}/PM_{2.5}$ in lb/hr from the Electrowinning Cells and Pregnant Solution Tank Shared Carbon Filter Stack
- $PM_{10}/PM_{2.5}$ in lb/hr from the Mercury Retort Carbon Filter Stack
- $PM_{10}/PM_{2.5}$ in lb/hr from the Induction Melting Furnace Carbon Filter Stack

4.34 Ore Concentration and Refining Equipment Performance Tests Monitoring

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

- Material input rates for all ore concentration and refining process equipment (Permit Conditions 4.21 through 4.25) during each test run.
- Control equipment monitoring relevant to the stack tested (Permit Condition 4.26 through 4.32), measured at least once during each test run.
- The visible emissions observed for the stack tested during each test, using the methods specified in IDAPA 58.01.01.625 (Permit Condition 2.9).

5 Lime, Aggregate, and Concrete Production

5.1 Process Description

The lime, aggregate, and cement batch plants produce raw materials necessary for mining and ore concentration and refining operations. Lime is used in ore processing for pH control. Aggregate and cement are used in concrete production, with aggregate also used in road construction.

Lime production consists of a limestone crushing, screening, and grinding plant and lime storage silos. The limestone grinding process utilizes a baghouse to reduce emissions during processing. Each storage silo has a bin vent filter used to reduce PM emissions during silo loading.

Aggregate production consists of two portable crushing and screening plants and aggregate and cement storage silos. Each portable crushing and screening plant utilizes water sprays and moisture carryover to reduce emissions during processing. Each storage silo has a bin vent filter used to reduce PM emissions during silo loading.

Concrete production consists of a central mix batch plant and cement storage silos. The central mix batch plant utilizes controls that may include water sprays, enclosures, hoods, curtains, shrouds, movable and telescoping chutes, and central duct collection systems to reduce PM emissions during processing. Each storage silo has a bin vent filter used to reduce PM emissions during silo loading.

5.2 Control Device Descriptions

Table 5.1 Lime, Aggregate, and Concrete Production Control Device Descriptions

Lime Production Plant Emissions Unit / Processes	Control Devices	Emission Points
Limestone transfer to Primary Crusher Hopper	Reasonable control & FDCP	Various
Primary Crusher		
Primary Screen		
Secondary Crusher		
Secondary Screen		
Limestone to Ball Mill Feed Bin		
Limestone to Ball Mill Feed		
Ball Mill Feed to Ball Mill		
Limestone to Kiln Feed Bin		
Limestone to Lime Kiln Feed		
Fines Screen		
Kiln Feed to PFR Shaft Lime Kiln		
Limestone Ball Mill	Reasonable control & FDCP Baghouse (BH3) Minimum pressure drop established in O&M	Limestone Ball Mill Baghouse Stack
Pebble Lime Silo loading	Bin vent filter	Pebble Lime Silo Stack
unloading	Wet Scrubber (WS3) Minimum pressure drop established in O&M	Pebble Lime Silo Wet Scrubber Stack
Parallel Flow Regenerative Shaft Kiln	Baghouse (BH4) Minimum pressure drop established in O&M	PFR Shaft Kiln Carbon Filter Stack
Lime Mill Crusher	Baghouse (BH5) Minimum pressure drop established in O&M	Lime Mill Crusher Baghouse Stack
SAG Mill Lime Silo #1, and SAG Mill Lime Silo #2 loading	Bin vent filters	SAG Mill Lime Silo #1 Stack and SAG Mill Lime Silo #2 Stack
unloading	None	Fugitive
AC Lime Silo #1, AC Lime Silo #2, AC Lime Silo #3, and AC Lime Silo #4 loading	Bin vent filters	AC Lime Silo #1 Stack, AC Lime Silo #2 Stack, AC Lime Silo #3 Stack, and AC Lime Silo #4 Stack
unloading	None	Fugitive
Aggregate Production Plant Emissions Unit / Processes	**Control Devices**	**Emission Points**
Portable Crushing and Screening Plant 1 Crushers, screens, and conveyors	Reasonable control & FDCP Water sprays and moisture carryover	Various
Portable Crushing and Screening Plant 2 Crushers, screens, and conveyors	Reasonable control & FDCP Water sprays and moisture carryover	Various
Concrete Production Plant Emissions Unit / Processes	**Control Devices**	
Central Mix Plant	Reasonable control & FDCP Controls may include water sprays, enclosures, hoods, curtains, shrouds, movable and telescoping chutes, and central duct collection systems.	Various
Aggregate bin loading/unloading	None	Fugitive
Cement/Shotcrete Silo #1 and Cement/Shotcrete Silo #2 loading	Bin vent filters	Cement/Shotcrete Silo #1 Stack and Cement/Shotcrete Silo #2 Stack
unloading	None	Fugitive

Emission Limits

5.3 Lime, Aggregate, and Concrete Production Emission Limits

Emissions from the lime production plant stacks shall not exceed any emission rate limit in the following table.

Table 5.2 Lime, Aggregate, and Concrete Production Plant Emission Limits [a]

Source Description	PM [b]	PM_{10} [b]	$PM_{2.5}$ [b]	NO_x	CO	VOC	SO_2
	lb/hr [c]	lb/hr [c]	lb/hr [c]	lb/hr [c]	lb/hr [c]	lb/hr [c]	lb/hr [c]
Lime Production							
Parallel Flow Regenerative Shaft Kiln (LK, LKC)	1.08	1.08	1.08	4.82	4.98	0.19	0.39
Limestone Ball Mill (LSBM)	1.90	1.60	0.57				
Lime Mill Crusher (LCR)	0.28	0.24	0.09				
Lime Mill screens and conveyors (LS2, LS4, LS3, LS5, LS11, LS1, LS6–LS10, LS12)	3.66	1.34	0.20				
Mill Lime Silo loading (each) (LS1L, MillS2L)	0.06	0.02	0.01				
Mill Lime Silo unloading (each) (LS1U, MillS2U)	0.10	0.06	0.01				
AC Lime Silo loading (each) (ACS1L, ACS2L, ACS3L, ACS4L)	0.12	0.04	0.01				
AC Lime Silo loading (each) (ACS1U, ACS2U, ACS3U, ACS4U)	0.10	0.06	0.01				
Pebble Lime Silo loading (LS-L)	0.01	0.01	0.01				
Pebble Lime Silo unloading (LS-U)	0.001	0.001	0.001				
Crushers, screens, conveyors, silo unloading (LSBM, LCR, LS1– LS12)	6.00	3.22	0.87				
Aggregate Production							
Portable Crushing and Screening Plant 1	0.63	0.23	0.03				
Portable Crushing and Screening Plant 2	0.63	0.23	0.03				
Concrete Production							
Central Mix Plant (CM, CS1, CS2, CA)	2.10	0.94	0.14				

a) In absence of any other credible evidence, compliance is ensured by complying with permit operating, monitoring, and recordkeeping requirements.

b) Particulate matter (PM) including condensable PM as defined in IDAPA 58.01.01.006, with an aerodynamic diameter less than or equal to a nominal 10 micrometers for PM_{10}, and less than or equal to a nominal 2.5 micrometers for $PM_{2.5}$.

c) Pounds per hour, as determined by a test method prescribed by IDAPA 58.01.01.157, EPA reference test method, continuous emission monitoring system (CEMS) data, or DEQ-approved alternative.

Operating Requirements

5.4 Primary Crusher Limit

The permittee shall process limestone as the raw material, and the maximum input to the primary crusher shall not exceed 1,130 T/day.

5.5 Parallel Flow Regenerative Kiln Limit

The permittee shall process lime as the raw material in the Parallel Flow Regenerative Kiln. The maximum output from the kiln shall not exceed 169 T/day and 52,377 tons per any consecutive 12-month period.

5.6 Portable Crushing and Screening Plant 1 Input Limit

The permittee shall process aggregate as the raw material, and the maximum input to the Portable Crushing and Screening Plant 1 shall not exceed 2,000 T/day.

5.7 Portable Crushing and Screening Plant 2 Input Limit

The permittee shall process aggregate as the raw material, and the maximum input to the Portable Crushing and Screening Plant 2 shall not exceed 2,000 T/day.

5.8 Central Mix Input Limit

The permittee shall process cement and aggregate as the raw materials, and the maximum input to the central mix plant shall not exceed 2,480 T/day and 560,000 tons per any consecutive 12-month period.

5.9 Lime Silos Input Limit

The permittee shall load lime as the raw material, and the maximum input to the Mill Lime Silos and the AC Lime Silos shall not exceed 4,000 T/day and 70,000 tons per any consecutive 12-month period combined.

5.10 Lime, Aggregate, and Concrete Production Dust Control

The permittee shall control emissions from lime production, aggregate production, and concrete production emission sources (Table 5.1) in accordance with the Fugitive Dust Control Plan.

5.11 Portable Crushing and Screening Plant Water Sprays

The permittee shall install, operate, and maintain water sprays in accordance with the O&M manual (Permit Condition 2.20) to control PM emissions from each portable crushing and screening plant. Water sprays shall operate at all times, except as specified in the O&M manual during winter conditions, when this equipment is operated to ensure compliance with Fugitive Dust requirements (Permit Conditions 2.1–2.6).

5.12 Parallel Flow Regenerative Kiln Baghouse

The permittee shall install, operate, and maintain a baghouse system (BH4) in accordance with the O&M manual (Permit Condition 2.20) and consistent with manufacturer's recommendations. All emissions from the parallel flow regenerative kiln shall be ducted to the baghouse at all times to ensure compliance with parallel flow regenerative emission limits.

5.13 Limestone Ball Mill Baghouse

The permittee shall install, operate, and maintain a baghouse system (BH3) in accordance with the O&M manual (Permit Condition 2.20) and consistent with manufacturer's recommendations. All emissions from the limestone ball mill shall be ducted to the baghouse at all times to ensure compliance with limestone ball mill emission limits.

5.14 Lime Mill Crusher Baghouse

The permittee shall install, operate, and maintain a baghouse (BH5) in accordance with the O&M manual (Permit Condition 2.20) and consistent with manufacturer's recommendations.
All emissions from the lime mill crusher shall be ducted to the baghouse at all times to ensure compliance with limestone ball mill emission limits.

5.15 Pebble Lime Silo Wet Scrubber

The permittee shall install, operate, and maintain a wet scrubber on the Pebble Lime Silo discharge (LS) in accordance with the O&M manual (Permit Condition 2.20) and consistent with manufacturer's recommendations. All emissions during discharge from the Pebble Lime Silo shall be ducted to the wet scrubber to ensure compliance with pebble lime silo emission limits (Table 5.2).

5.16 Silo Bin Vent Filters

The permittee shall install, operate, and maintain a bin vent filter on each silo (LS1, MillS2, ACS1, ACS2, ACS3, ACS4, LS, CS1, CS2) in accordance with the O&M manual (Permit Condition 2.20) and consistent with manufacturer's recommendations. All emissions during loading of each silo shall be ducted to the corresponding bin vent filter to ensure compliance with corresponding silo emission limits (Table 5.2).

Monitoring and Recordkeeping Requirements

5.17 Primary Crusher Monitoring

Each day, the permittee shall monitor and record the material input to the Primary Crusher in tons (T/day) to demonstrate compliance with the daily Primary Crusher Limit. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

5.18 Parallel Flow Regenerative Kiln Limit Monitoring

Each day, the permittee shall monitor and record the material output from the Parallel Flow Regenerative Kiln in tons (T/day) to demonstrate compliance with the daily Parallel Flow Regenerative Kiln Limits. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

Each month, the permittee shall calculate and record the material output from the Parallel Flow Regenerative Kiln in T/mo and in T/yr to demonstrate compliance with the annual Parallel Flow Regenerative Kiln Limit. Annual material output shall be determined by summing the monthly output over the previous consecutive 12-month period.

5.19 Portable Crushing and Screening Plant 1 Input Limit Monitoring

Each day, the permittee shall monitor and record the material input to the Portable Crushing and Screening Plant 1 plant in tons (T/day) to demonstrate compliance with the daily Portable Crushing and Screening Plant 1 Input Limit. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

5.20 Portable Crushing and Screening Plant 2 Input Limit Monitoring

Each day, the permittee shall monitor and record the material input to the Portable Crushing and Screening Plant 2 plant in tons (T/day) to demonstrate compliance with the daily Portable Crushing and Screening Plant 2 Input Limit. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

5.21 Central Mix Input Limit Monitoring

Each day, the permittee shall monitor and record the material input to the Central Mix Plant in tons (T/day) to demonstrate compliance with the daily Central Mix Input Limit. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

Each month, the permittee shall calculate and record the material input to the central mix plant in T/mo and in T/yr to demonstrate compliance with the annual Central Mix Input Limit. Annual

material input shall be determined by summing the monthly input over the previous consecutive 12-month period.

5.22 Lime Silos Input Limit Monitoring

Each day, the permittee shall monitor and record the material input to the Mill Lime Silos and the AC Lime Silos in tons (T/day) to demonstrate compliance with the daily Lime Silos Input Limit. The devices and methodologies used to measure weights shall be identified in the O&M Manual.

Each month, the permittee shall calculate and record the material input to the Mill Lime Silos and the AC Lime Silos in T/mo and in T/yr to demonstrate compliance with the annual Lime Silos Input Limit. Annual material input shall be determined by summing the monthly input over the previous consecutive 12-month period.

5.23 Parallel Flow Regenerative Kiln Baghouse Monitoring

The permittee shall install, calibrate, operate, and maintain a device for monitoring the pressure drop across the parallel flow regenerative kiln baghouse. At least once per shift, the permittee shall monitor and record the pressure drop across the parallel flow regenerative kiln baghouse to demonstrate compliance with O&M specifications.

5.24 Limestone Ball Mill Baghouse Monitoring

The permittee shall install, calibrate, operate, and maintain a device for monitoring the pressure drop across the limestone ball mill baghouse. At least once per shift, the permittee shall monitor and record the pressure drop across the limestone ball mill kiln baghouse to demonstrate compliance with O&M specifications.

5.25 Lime Mill Crusher Baghouse Monitoring

The permittee shall install, calibrate, operate, and maintain a device for monitoring the pressure drop across the lime mill crusher baghouse. At least once per shift, the permittee shall monitor and record the pressure drop across the lime mill crusher kiln baghouse to demonstrate compliance with O&M specifications.

5.26 Pebble Lime Silo Wet Scrubber Monitoring

The permittee shall install, calibrate, operate, and maintain a device for monitoring the circulation flow rate in the pebble lime silo wet scrubber, and the pressure drop across the pebble lime silo wet scrubber. At least once per shift, the permittee shall monitor and record the circulation flow rate and the pressure drop across the pebble lime silo wet scrubber to demonstrate compliance with O&M specifications.

6 Engines

6.1 Process Description

Stationary internal combustion engines (ICE) for emergency power generation and fire suppression are essential to ensure safety and uninterrupted essential operations in case of unforeseen power failures or emergency situations. Portable diesel-fired light plant engines provide supplemental lighting as needed; these are not regulated by this permit and will be operated as nonroad engines defined in 40 CFR 1068.30.

6.2 Emission Standards for Emergency Generators and Fire Pump Engines

In accordance with 40 CFR 60.4205(b) and 40 CFR 60.4206, EDG1, EDG2, and EDG3 shall be EPA Tier II Certified engines and must comply with the emission standards for new nonroad CI engines in § 60.4202, for all pollutants, for the same model year and maximum engine power and must be operated and maintained so that they achieve the emission standards as required in §§60.4204 and 60.4205 over the entire life of the engine.

In accordance with 40 CFR 60.4205(c), EDFP must comply with the emission standards in Table 4 to the Subpart for all pollutants.

6.3 Emergency Generator and Fire Pump Engine Operation

Operation of each emergency generator engine (EDG1, EDG2, EDG3) and each fire pump engine (EDFP) shall not exceed 1 hour per day (hr/day) and 100 hr/yr for non-emergency purposes.

6.4 Emergency Generator Monitoring Requirements

In accordance with 40 CFR 60.4209(a), EDG1, EDG2, and EDG3 shall have non-resettable hour meters installed prior to startup.

6.5 Emergency Generator Compliance Requirements

In accordance with 40 CFR 60.4211(f), EDG1, EDG2, and EDG3 must be operated according to the requirements in paragraphs (f)(1) through (3) of this section of the Subpart. In order for the engines to be considered emergency stationary ICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (3) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (3) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

(1) There is no time limit on the use of emergency stationary ICE in emergency situations.

(2) You may operate your emergency stationary ICE for any combination of the purposes specified in paragraphs (f)(2)(i) through (iii) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (f)(3) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary ICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission

organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.

(ii) Emergency stationary ICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see § 60.17), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

(iii) Emergency stationary ICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

(3) Emergency stationary ICE may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. Except as provided in paragraph (f)(3)(i) of this section, the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(i) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

6.6 Emergency Generator and Fire Pump Engine Operation Monitoring

Each month, the permittee shall monitor and record the emergency and non-emergency operating hours of each emergency generator and fire pump engine, in hr/mo and in hr/yr to demonstrate compliance with the emergency generator and fire pump engine operation limit. Annual operation shall be determined by summing the monthly hours over the previous consecutive 12-month period.

6.7 Engines Subject to Regulation Notification

With the exception of the emergency generator and fire pump engines (identified in Table 1.1) and engines used to propel vehicles, notification shall be provided to DEQ if an engine (including any previously operated as a nonroad engine) will be operated onsite at a specific location beyond 12 months, and no longer meets criteria for regulation as a nonroad engine. Notification shall be provided as soon as practicable in advance of exceeding 12 months of operation at a single location and within 30 days after the engine ceases to meet the definition of nonroad engine in 40 CFR 1068.30.

- A nonroad engine may include engines that are portable or transportable, meaning designed to be and capable of being carried or moved from one location to another (e.g., portable light plant engines). Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.
- A portable or transportable internal combustion engine is not a nonroad engine if it remains or will remain at a location for more than 12 consecutive months, or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engines (or engine) that replace(s) an engine at a location and is intended to perform the same or similar function as the engine(s) replaced are included in calculating the consecutive time period. Permitting requirements and emission standards may become applicable when an engine becomes a stationary source.

7 General Provisions

General Compliance

7.1 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, 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.]

7.2 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]

7.3 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]

Inspection and Entry

7.4 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, 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

7.5 This permit shall expire if construction has not begun within two years of its issue date, or if construction is suspended for one year.

[IDAPA 58.01.01.211.02]

7.6 The permittee shall furnish DEQ written notifications as follows:

- A notification of the date of initiation of construction, within five working days after occurrence; except in the case where pre-permit construction approval has been granted then notification shall be made within five working days after occurrence or within five working days after permit issuance whichever is later;
- A notification of the date of any suspension of construction, if such suspension lasts for one year or more; and

- A notification of the initial date of achieving the maximum production rate, within five working days after occurrence - production rate and date.

[IDAPA 58.01.01.211.01]

- 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; and
- A notification of the actual date of initial start-up of the stationary source or facility within fifteen days after such date.

[IDAPA 58.01.01.211.03]

Performance Testing

7.7 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 may, at its option, 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.

7.8 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.

7.9 Within 60 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 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]

Monitoring and Recordkeeping

7.10 The permittee shall maintain sufficient records to ensure compliance with all of the terms and conditions of this permit. Monitoring records 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, 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]

Excess Emissions

7.11 The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130-136 for excess emissions. The provisions of IDAPA 58.01.01.130-136 shall govern in the event of conflicts between the excess emissions general provisions and the regulations of IDAPA 58.01.01.130-136.

During an excess emissions event, the permittee shall, with all practicable speed, initiate and complete appropriate and reasonable action to correct the conditions causing the excess emissions event; to reduce the frequency of occurrence of such events; to minimize the amount by which the emission standard is exceeded; and shall, as provided below or upon request of DEQ, submit a full report of such occurrence, including a statement of all known causes, and of the scheduling and nature of the actions to be taken.

[IDAPA 58.01.01.132]

7.12 In all cases where startup, shutdown, or scheduled maintenance of any equipment or emission unit is expected to result or results in an excess emissions event, the permittee shall demonstrate compliance with IDAPA 58.01.01.133.01(a) through (d), including, but not limited to, the following:

- Prohibiting any scheduled startup, shutdown, or maintenance resulting in excess emissions shall occur during any period in which an Atmospheric Stagnation Advisory or a Wood Stove Curtailment Advisory has been declared by DEQ.
- Notifying DEQ of the excess emissions event as soon as reasonably possible, but no later than two hours prior to, the start of the event, unless the permittee demonstrates to DEQ's satisfaction that a shorter advance notice was necessary.
- Reporting and recording the information required pursuant to the excess emissions reporting and recordkeeping requirements and IDAPA 58.01.01.135 and 136 for each excess emissions event due to startup, shutdown, or scheduled maintenance.

[IDAPA 58.01.01.133]

7.13 In all cases where upset or breakdown of equipment or an emissions unit, or the initiation of safety measures, results or may result in an excess emissions event, the permittee shall demonstrate compliance with IDAPA 58.01.01.134.01(a) and (b) and the following:

- Immediately undertake all appropriate measures to reduce and, to the extent possible, eliminate excess emissions resulting from the event and to minimize the impact of such excess emissions on the ambient air quality and public health.
- Notify DEQ of any upset, breakdown, or safety event that results in excess emissions. Such notification shall identify the time, specific location, equipment or emissions unit involved, and (to the extent known) the cause(s) of the occurrence. The notification shall be given as soon as reasonably possible, but no later than 24 hours after the event, unless the permittee demonstrates to DEQ's satisfaction that the longer reporting period was necessary.
- Report and record the information required pursuant to the excess emissions reporting and recordkeeping facility wide conditions and IDAPA 58.01.01.135 and 136 for each excess emissions event caused by an upset, breakdown, or safety measure.

- During any period of excess emissions caused by upset, breakdown, or operation under facility safety measures, DEQ may require the permittee to immediately reduce or cease operation of the equipment or emissions unit causing the period until such time as the condition causing the excess has been corrected or brought under control. Such action by DEQ shall be taken upon consideration of the factors listed in IDAPA 58.01.01.134.03 and after consultation with the permittee.

[IDAPA 58.01.01.134]

7.14 The permittee shall submit a written report to DEQ for each excess emissions event, no later than 15 days after the beginning of such an event. Each report shall contain the information specified in IDAPA 58.01.01.135.02.

[IDAPA 58.01.01.135]

7.15 The permittee shall maintain excess emissions records at the facility for the most recent five calendar-year period. The excess emissions records shall be made available to DEQ upon request and shall include the information requested by IDAPA 58.01.01.136.03(a) and (b) as summarized in the following:

- An excess emissions log book for each emissions unit or piece of equipment containing copies of all reports that have been submitted to DEQ pursuant to IDAPA 58.01.01.135 for the particular emissions unit or equipment; and
- Copies of all startup, shutdown, and scheduled maintenance procedures and upset, breakdown, or safety preventative maintenance plans that have been developed by the permittee in accordance with IDAPA 58.01.01.133 and 134, and facility records as necessary to demonstrate compliance with such procedures and plans.

[IDAPA 58.01.01.136]

Certification

7.16 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]

False Statements

7.17 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]

Tampering

7.18 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]

Transferability

7.19 This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.209.06.

[IDAPA 58.01.01.209.06]

Severability

7.20 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]