NOTICE OF INTENT TO ISSUE AN AIR POLLUTION CONTROL PERMIT TO CONSTRUCT

Take notice that the North Dakota Department of Environmental Quality proposes to issue a general Air Pollution Control Permit to Construct to Asphaltic Concrete Plants in accordance with the North Dakota Air Pollution Control Rules. The project involves the construction of an asphaltic concrete facility to be located in North Dakota.

Preliminary evaluations made by Department staff indicate that the project will comply with all applicable Air Pollution Control Rules and there will be no significant detrimental effects to air quality.

A thirty-day public comment period for the draft permit will begin June 16, 2022 and end July 15, 2022. Direct comments in writing to the NDDEQ, Division of Air Quality, 4201 Normandy Street, Bismarck, ND 58503-1324 or email AirQuality@nd.gov, Re: Public Comment Asphaltic Concrete Plant Permit to Construct. Please note that, to be considered, comments submitted by email must be sent to the email address listed; comments sent to any other email address will not be considered. Comments must be received by 11:59 PM central time on the last day of the public comment period to be considered in the final permit determination. A public hearing regarding issuance of the permit will be held if a significant degree of public interest exists as determined by the NDDEQ. Requests for a public hearing must be received in writing by the NDDEQ before the end of the public comment period.

The Department analysis and draft permit are available for review at the above address and on the Department website at https://deq.nd.gov/AQ/PublicCom.aspx. A copy of these documents may be obtained by writing to the Division of Air Quality or contacting Kyla Schneider at (701)328-5218 or by email at kkschneider@nd.gov.

Dated this 7th day of June 2022

James L. Semerad
Director
Division of Air Quality
AIR POLLUTION CONTROL
GENERAL PERMIT TO CONSTRUCT

Pursuant to Chapter 23.1-06 of the North Dakota Century Code, and the Air Pollution Control Rules of the State of North Dakota (Article 33.1-15 of the North Dakota Administrative Code), and in reliance on statements and representations heretofore made by the owner designated below, a Permit to Construct is hereby issued authorizing such owner to construct and initially operate the source unit(s) at the location designated below. This Permit to Construct is subject to all applicable rules and orders now or hereafter in effect of the North Dakota Department of Environmental Quality (Department) and to any conditions specified below:

I. General Information:

A. Permit to Construct Number: ACP-XXXXX v1.0 (as assigned by CERIS-ND)

B. Source:

1. Name: Asphaltic Concrete Plant - Synthetic Minor Source
2. Location: Portable in North Dakota
3. Source Type: Asphaltic Concrete Plant - Portable
4. Equipment at the Facility:

Equipment at an asphaltic concrete plant may include:

<table>
<thead>
<tr>
<th>Emission Unit Description</th>
<th>Emission Unit (EU)</th>
<th>Emission Point (EP)</th>
<th>Air Pollution Control Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Various make(s)/model(s) of dryer-drum mixer(s), each equipped with a burner restricted to A.S.T.M commercial propane, pipeline quality natural gas, distillate oil, residual oil and/or used distillate/residual oil</td>
<td>--A</td>
<td>--A</td>
<td>Baghouse</td>
</tr>
<tr>
<td>Diesel engine-driven electrical generator set(s)</td>
<td>--A</td>
<td>--A</td>
<td>None</td>
</tr>
</tbody>
</table>

*A Specific EU and EP numbers are assigned by the Department during Permit to Operate (PTO) issuance.

C. Owner/Operator (Permit Applicant):

1. Name: Asphaltic Concrete Plant - Synthetic Minor Source
2. Address: Portable in North Dakota
3. Application Date: March 17, 2022
II. Conditions: This Permit to Construct allows the construction and initial operation of the above-mentioned new or modified equipment at the source. The source may be operated under this Permit to Construct until a Permit to Operate is issued unless this permit is suspended or revoked. The source is subject to all applicable rules, regulations, and orders now or hereafter in effect of the North Dakota Department of Environmental Quality and to the conditions specified below.

A. Emission Limits: Emission limits from the operation of the source unit(s) identified in Item I.B of this Permit to Construct (hereafter referred to as "permit") are as follows. Source units not listed are subject to the applicable emission limits specified in the North Dakota Air Pollution Control Rules (NDAC).

<table>
<thead>
<tr>
<th>Emission Unit Description</th>
<th>EU</th>
<th>EP</th>
<th>Pollutant / Parameter</th>
<th>Emission Limit A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dryer-drum mixer(s)</td>
<td>--</td>
<td>--</td>
<td>PM</td>
<td>0.04 gr/dscf C &amp;/or 3.0 lb/hr D</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>SO2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Opacity</td>
<td>&lt;20%</td>
</tr>
<tr>
<td>Generator set(s)</td>
<td>--</td>
<td>--</td>
<td>Opacity</td>
<td>20% E</td>
</tr>
</tbody>
</table>

A The emission limit applies to each emission unit emission point.
B The stack height of the pollution control device for each dryer-drum mixer shall be as determined by the Department for adequate dispersion and will be provided in the PTO.
C Units subject to 40 CFR 60, Subpart I must comply with the applicable gr/dscf emission limit indicated in Subpart I and the applicable mass emission rates (lb/hr) specified in NDAC 33.1-15-05.
D Units not subject to 40 CFR 60, Subpart I must comply with the applicable mass emission rates (lb/hr) specified in NDAC 33.1-15-05.
E 40% opacity is permissible for not more than one six-minute period per hour.

B. Process Restrictions: For all operations, total production is limited to 650,000 tons or less in any 12-month period (12-month rolling total). This permit allows operations involving the production of virgin asphalt. In addition, production of mixes containing no more than 45% reclaimed asphalt pavement (RAP) may be produced for dryer-drums equipped with a center feed ring and controlled by a baghouse. Prior approval from the Department must be obtained before initiating operations with mixes containing more than 45% RAP.
C. Fuel Restriction:

1. Burner fuel for each dryer-drum mixer is restricted to natural gas, A.S.T.M. commercial propane, distillate oil, residual oil and used oil. Residual oil is limited to no more than 1.7 percent sulfur by weight.

2. Each generator set is restricted to combusting only distillate oil containing no more than 0.0015 percent sulfur by weight.

D. Used Oil and Residual Oil Fuel Setback Restrictions: Used oil, as defined in NDAC Section 33.1-24-05-600 through 33.1-24-05-699, and residual oil is approved for use as fuel for the dryer burner subject to compliance with the following setback conditions. For the purpose of determining compliance, the distance shall be measured from the exhaust stack for the baghouse to the nearest occupied building or residence. The following table indicates proper offset distances in accordance with stack heights.

<table>
<thead>
<tr>
<th>Stack Height (ft)</th>
<th>Residual Oil</th>
<th>Used Oil</th>
<th>Natural Gas, Propane &amp; Distillate Oil</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>600 yards</td>
<td>300 yards</td>
<td>N/A</td>
</tr>
<tr>
<td>25</td>
<td>550 yards</td>
<td>250 yards</td>
<td>N/A</td>
</tr>
<tr>
<td>30</td>
<td>450 yards</td>
<td>200 yards</td>
<td>N/A</td>
</tr>
<tr>
<td>35</td>
<td>200 yards</td>
<td>200 yards</td>
<td>N/A</td>
</tr>
</tbody>
</table>

^ Setback distances are the minimum distance the dryer stack can be located to any occupied building or residence.

E. Used Oil Properties: Laboratory analysis must meet the criteria for “specification” used oil in accordance with NDAC Sections 33.1-24-05-600 through 33.1-24-05-699 as listed below.

<table>
<thead>
<tr>
<th>Constituent/Property</th>
<th>Maximum Allowable Level ^</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic (As)</td>
<td>5 ppm</td>
</tr>
<tr>
<td>Cadmium (Cd)</td>
<td>2 ppm</td>
</tr>
<tr>
<td>Chromium (Cr)</td>
<td>10 ppm</td>
</tr>
<tr>
<td>Lead (Pb)</td>
<td>100 ppm</td>
</tr>
<tr>
<td>PCBs</td>
<td>&lt;2 ppm</td>
</tr>
<tr>
<td>Hydrogen Chloride (HCl, Halogens)</td>
<td>1,000 ppm</td>
</tr>
<tr>
<td>Flash Point</td>
<td>100°F Minimum</td>
</tr>
</tbody>
</table>

^ 1 ppm = 1 mg/Kg = 1 µg/g
F. **Special Conditions for Burning Used Oil:**

1. The owner/operator shall demonstrate, by a documented laboratory analysis, that the used oil fuel being burned, or to be burned, is in compliance with the applicable plant/stack site location restrictions. Such analyses shall be available for inspection at the plant site.

2. The owner/operator shall maintain invoice records of used oil fuel received from marketers or suppliers for a minimum of five years.

3. The owner/operator who burns used oil for energy recovery purposes shall comply with all applicable State Rules and Federal Regulations pertaining to used oil burning activities associated with the plant.

G. **New Source Performance Standards (NSPS):** The owner/operator shall comply with all applicable requirements of the following NSPS subparts as referenced in NDAC 33.1-15-12 and 40 CFR 60.

1. 40 CFR 60, Subpart I – Standards of Performance for Hot Mix Asphalt Facilities (applicable to facilities that commence construction or modification after June 11, 1973).

H. **Monitoring and Recordkeeping:**

1. The owner/operator shall record the tons of asphalt concrete produced each month and determine the total tons of asphalt concrete produced during the previous 12-month period. Any time the amount of asphalt concrete produced during the last 12-month period exceeds the allowable limit, the permittee shall notify the Department within 10 working days. The records regarding the amount of production shall be retained for five years and submitted to the Department upon request.

2. The sulfur content of any liquid burner fuel used shall be analyzed with each shipment. The sulfur analysis for the fuel may be conducted by the permittee or by the source where the fuel is purchased. If fuel supplier certification for sulfur content is used, the permittee shall obtain a written statement from the supplier which includes the name of the supplier and the sulfur content of the fuel. The permittee shall maintain records of all fuel purchased and average sulfur content of the fuel for a period of five years. The permittee shall report the fuel use and sulfur content to the Department upon request.

I. **Odor Restrictions:** The owner/operator shall not discharge into the ambient air any objectionable odorous air contaminant which is in excess of the limits established in NDAC 33.1-15-16.
J. **Operation of Air Pollution Control Equipment:** The owner/operator shall maintain and operate all air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

K. **Source Operations:** Operations at the facility shall be in accordance with statements, representations, procedures and supporting data contained in the initial application, and any supplemental information or renewal application(s) submitted thereafter. Any operations not listed in this permit are subject to all applicable North Dakota Air Pollution Control Rules.

L. **Construction:** Construction of the above described facility shall be in accordance with information provided in the permit application as well as any plans, specifications and supporting data submitted to the Department. The Department shall be notified ten days in advance of any significant deviations from the specifications furnished. The issuance of this Permit to Construct may be suspended or revoked if the Department determines that a significant deviation from the plans and specifications furnished has been or is to be made.

Any violation of a condition issued as part of this permit to construct as well as any construction which proceeds in variance with any information submitted in the application, is regarded as a violation of construction authority and is subject to enforcement action.

M. **Startup Notice:** If applicable, a notification of the actual date of initial startup shall be submitted to the Department within 15 days after the date of initial startup.

N. **Organic Compounds Emissions:** The permittee shall comply with all applicable requirements of NDAC 33.1-15-07 – Control of Organic Compounds Emissions.

O. **Permit Invalidation:** This permit shall become invalid if construction is not commenced within eighteen months after issuance of such permit, if construction is discontinued for a period of eighteen months or more; or if construction is not completed within a reasonable time.

P. **Fugitive Emissions:** The release of fugitive emissions shall comply with the applicable requirements in NDAC 33.1-15-17.

Q. **Annual Emission Inventory/Annual Production Reports:** The owner/operator shall submit an annual emission inventory report and/or an annual production report upon Department request, on forms supplied or approved by the Department.

R. **Alterations, Modifications or Changes:** Any alteration, repairing, expansion, or change in the method of operation of the source which results in the emission of an additional type or greater amount of air contaminants or which results in an increase in the ambient concentration of any air contaminant, must be reviewed and...
approved by the Department prior to the start of such alteration, repairing, expansion or change in the method of operation.

S. **Air Pollution from Internal Combustion Engines:** The permittee shall comply with all applicable requirements of NDAC 33.1-15-08-01 – Internal Combustion Engine Emissions Restricted.

T. **Nuisance or Danger:** This permit shall in no way authorize the maintenance of a nuisance or a danger to public health or safety.

U. **Malfunction Notification:** The owner/operator shall notify the Department as soon as possible during normal working hours of any malfunction which can be expected to last longer than twenty-four hours and can cause the emission of air contaminants in violation of applicable rules and regulations. Immediate notification to the Department is required for any malfunction that would threaten health or welfare, or pose an imminent danger.

V. **Transfer of Permit to Construct:** The holder of a permit to construct may not transfer such permit without prior approval from the Department.

W. **Right of Entry:** Any duly authorized officer, employee or agent of the North Dakota Department of Environmental Quality may enter and inspect any property, premise or place at which the source listed in Item I.B of this permit is located at any time for the purpose of ascertaining the state of compliance with the North Dakota Air Pollution Control Rules. The Department may conduct tests and take samples of air contaminants, fuel, processing material, and other materials which affect or may affect emissions of air contaminants from any source. The Department shall have the right to access and copy any records required by the Department’s rules and to inspect monitoring equipment located on the premises.

X. **Other Regulations.** The owner/operator of the source unit(s) described in Item I.B of this permit shall comply with all State and Federal environmental laws and rules. In addition, the owner/operator shall comply with all local burning, fire, zoning, and other applicable ordinances, codes, rules and regulations.

Y. **Permit Issuance:** This permit is issued in reliance upon the accuracy and completeness of the information set forth in the application. Notwithstanding the tentative nature of this information, the conditions of this permit herein become, upon the effective date of this permit, enforceable by the Department pursuant to any remedies it now has, or may in the future have, under the North Dakota Air Pollution Control Law, NDCC Chapter 23.1-06.

Z. **Sampling and Testing:** The Department may require the owner/operator to conduct tests to determine the emission rate of air contaminants from the source. The Department may observe the testing and may specify testing methods to be used. A signed copy of the test results shall be furnished to the Department within
60 days of the test date. The basis for this condition is NDAC 33.1-15-01-12 which is hereby incorporated into this permit by reference. To facilitate preparing for and conducting such tests, and to facilitate reporting the test results to the Department, the owner/operator shall follow the procedures and formats in the Department’s Emission Testing Guideline.

FOR THE NORTH DAKOTA DEPARTMENT OF ENVIRONMENTAL QUALITY

Date ____________________________  By ____________________________

James L. Semerad
Director
Division of Air Quality