



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, ID 83706 • (208) 373-0502  
www.deq.idaho.gov

Brad Little, Governor  
John Tippetts, Director

May 26, 2020

Stephen D. Adams, Senior Vice President  
Ergon Asphalt & Emulsions, Inc.  
P.O. Box 1639  
Jackson, MS 39215

RE: Facility ID No. 001-00049, Project No. 62450, Ergon Asphalt & Emulsions, Inc., Boise  
Transfer of Ownership by Permit to Construct Revision

Dear Mr. Adams:

The Department of Environmental Quality (DEQ) is issuing Permit to Construct (PTC) No. P-2013.0022, Project 62450, to Ergon Asphalt & Emulsions, Inc., located in Boise for a transfer of ownership. This PTC is issued in accordance with IDAPA 58.01.01.209.04 of the Rules for the Control of Air Pollution in Idaho and is based on the certified information received on May 18, 2020. The transfer of ownership is based on the following information:

**Previous Permittee Information**

Permittee:	Western States Asphalt
Mailing Address:	4303 Gekeler Lane, Boise, ID 83716
Facility Location:	4303 Gekeler Lane, Boise, ID 83716
Facility Contact:	Tim Folwell
Phone Number:	(208) 345-2538
E-mail Address:	tfolwell@wasphalt.com
Responsible Official:	Ron Mahan, Area Manager
Phone Number:	(208) 345-2538

**Updated Permittee Information**

Permittee:	Ergon Asphalt & Emulsions, Inc.
Mailing Address:	P.O. Box 1639, Jackson, MS 39215
Facility Location:	4303 Gekeler Lane, Boise, ID 83716
Facility Contact:	Katelan Crain, Environmental Engineer
Phone Number:	(601) 933-3122
E-mail Address:	Katelan.Crain@ergon.com
Responsible Official:	Stephen D. Adams, Senior Vice President
Phone Number:	(601) 933-3122

This permit is effective immediately and replaces PTC No. P-2013.0022, Project 61173, issued May 15, 2013. This permit does not release Ergon Asphalt & Emulsions, Inc. from compliance with all other applicable federal, state, or local laws, regulations, permits, or ordinances.

In order to fully understand the compliance requirements of this permit, DEQ highly recommends that you schedule a meeting with David Luft, Air Quality Manager, at (208) 373-0201 to review and discuss the terms and conditions of this permit. Should you choose to schedule this meeting, DEQ recommends that the following representatives attend the meeting: your facility's plant manager, responsible official, environmental contact, and any other staff responsible for day-to-day compliance with permit conditions.

If you have any questions, please contact Kelli Wetzel at (208) 373-0575 or [kelli.wetzel@deq.idaho.gov](mailto:kelli.wetzel@deq.idaho.gov).

Sincerely,



Mike Simon  
Stationary Source Bureau Chief  
Air Quality Division

MS/kw

Permit No. P-2013.0022 PROJ 62450

Enclosure

# Air Quality

## PERMIT TO CONSTRUCT

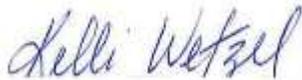
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**Permittee** Ergon Asphalt & Emulsions, Inc.  
**Permit Number** P-2013.0022  
**Project ID** 62450  
**Facility ID** 001-00049  
**Facility Location** 4303 Gekeler Lane  
Boise, ID 83716

### 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** May 26, 2020



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**Kelli Wetzel, Permit Writer**



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**Mike Simon, Stationary Source Bureau Chief**

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# 1 Permit Scope

## Purpose

- 1.1 This permit is being revised due to a change in ownership of the facility. The facility name was changed from Western States Asphalt to Ergon Asphalt & Emulsions, Inc.
- 1.2 This PTC replaces Permit to Construct No. P-2013.0022 issued on May 15, 2013.

## Regulated Sources

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

**Table 1.1 Regulated Sources**

Permit Section	Source	Control Equipment
<b>Point Sources</b>		
3	Tank No. 1, Asphalt Cement; 2,121,000 gallons (gal)	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 2, Asphalt Cement; 1,071,000 gal	
3	Tank No. 3, Chemical Storage; 5,300 gal	Product throughput limits.
3	Tank No. 4, Polymer Modified Asphalt Cement; 105,800 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 5, Polymer Modified Asphalt Cement; 105,800 gal	
3	Tank No. 6, Polymer Modified Asphalt Cement; 105,800 gal	
3	Tank No. 7, Polymer Modified Asphalt Cement; 105,800 gal	
3	Tank No. 8, Polymer Modified Asphalt Cement; 50,900 gal	
3	Tank No. 9, Polymer Modified Asphalt Cement; 105,800 gal	
3	Tank No. 10, Distillate Oil; 13,500 gal	Product throughput limits.
3	Tank No. 11, Chemical Storage; 11,800 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 12, Chemical Storage; 50,200 gal	
3	Tank No. 13, Polymer Modified Asphalt Cement; 105,800 gal	Product throughput limits.
3	Tank No. 14, Asphalt Emulsion; 47,000 gal	
3	Tank No. 15, Asphalt Emulsion; 50,200 gal	
3	Tank No. 16, Asphalt Emulsion; 79,400 gal	
3	Tank No. 17, Asphalt Emulsion; 105,800 gal	
3	Tank No. 18, Asphalt Emulsion; 50,600 gal	
3	Tank No. 19, Asphalt Emulsion; 38,100 gal	
3	Tank No. 20, Asphalt Emulsion; 50,200 gal	
3	Tank No. 21, Asphalt Emulsion; 66,300 gal	
3	Tank No. 22, Asphalt Emulsion; 50,200 gal	
3	Tank No. 23, Asphalt Emulsion; 50,200 gal	
3	Tank No. 24, Asphalt Emulsion; 50,200 gal	
3	Tank No. 25, Asphalt Emulsion; 36,100 gal	
3	Tank No. 26, Asphalt Emulsion; 29,400 gal	
3	Tank No. 27, Asphalt Cement; 28,600 gal	
3	Tank No. 28, Distillate Oil; 24,100 gal	
3	Tank No. 29, Distillate Oil; 21,300 gal	
3	Tank No. 30, Hydrochloric Acid; 6,500 gal	

Permit Section	Source	Control Equipment
3	Tank No. 31, Tall Oil; 16,900 gal	Product throughput limits.
3	Tank No. 32, Chemical Storage; 6,000 gal	
3	Tank No. 33, Chemical Storage; 6,000 gal	
3	Tank No. 34, Chemical Storage; 9,100 gal	
3	Tank No. 35, Chemical Storage; 6,000 gal	
3	Tank No. 36, Chemical Storage; 10,600 gal	
3	Tank No. 37, Chemical Storage; 12,100 gal	
3	Tank No. 38, Asphalt Cement; 4,220,000 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 39, Distillate Oil; 13,500 gal	Product throughput limits.
3	Tank No. 40, Chemical Storage; 21,300 gal	
3	Tank No. 41, Asphalt Cutback; 16,900 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 42, Chemical Storage; 4,100 gal	Product throughput limits.
3	Tank No. 43, Chemical Storage; 8,800 gal	
3	Tank No. 44, Chemical Storage; 4,800 gal	
3	Tank No. 45, Chemical Storage; 8,800 gal	
3	Tank No. 46, Phosphoric Acid; 6,000 gal	
3	Tank No. 47, Chemical Storage; 10,500 gal	
3	Tank No. 48, Polymer Modified Asphalt Cement; 192,500 gal	
3	Tank No. 49, Asphalt Cement; 1,322,000 gal	Product throughput limits. Sulfa Treat system for odors.
3	Tank No. 50, Asphalt Cement; 1,322,000 gal	
3	Tank No. 51, Polymer Modified Asphalt Cement; 51,100 gal	
3	Tank No. 52, Chemical Storage; 9,953 gal	Product throughput limits.
3	Tank No. 53, Chemical Storage; 7,520 gal	
4	Hot Oil Heater, 14.5 MMBtu/hr, natural gas-fired	Fuel throughput limit, no control devices
4	Boiler, Sellers Model 105E, 17 MMBtu/hr, Serial No. 103787, natural gas-fired	
2	Reclaim Tank	
2	2 – Parts washers	
2	Emulsion Mill 1	
2	Emulsion Mill 2	
2	Asphalt reclaim pot	
2	Space Heater, 0.08 MMBtu/hr, natural gas-fired	No control device
2	Space Heater, 0.3 MMBtu/hr, propane-fired	
2	Waste-oil burner	
2	QA/QC lab and associated equipment	
2	Process water tank	
<b>Fugitive VOC/Odor Emission Sources</b>		
5	Truck Loading Rack 1; Asphalt Cement Loading Arm	Product throughput limits. Sulfa Treat system for odors.
5	Truck Loading Rack 2; Asphalt Cement Loading Arm	
5	Truck Loading Rack 3; Asphalt Cutback Loading Arm	
5	Truck Loading Rack 4; Asphalt Emulsion Loading Arm	Product throughput limits.

<b>Permit Section</b>	<b>Source</b>	<b>Control Equipment</b>
5	Truck Loading Rack 5; Asphalt Emulsion Loading Arm	Product throughput limits.
2	Equipment Fugitives (e.g., pumps, valves, flanges, connectors)	No control devices
2	Railcar Heating	
<b>Fugitive Dust Emissions Sources</b>		
2	Equipment used by maintenance crews	Reasonable control of fugitive dust.
2	Welding and cutting torches	
2	Plant vehicles	

## **2 Facility-Wide Conditions**

### **Fugitive Dust Emissions**

#### **2.1 Reasonable Control of Fugitive Emissions**

All reasonable precautions shall be taken to prevent particulate matter (PM) from becoming airborne in accordance with IDAPA 58.01.01.650-651. In determining what is reasonable, considerations will be given to factors such as the proximity of dust-emitting operations to human habitations and/or activities and atmospheric conditions that might affect the movement of PM. Some of the reasonable precautions include, but are not limited to, the following:

- Use, where practical, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of lands.
- Application, where practical, of asphalt, oil, water, or suitable chemicals to, or covering of, dirt roads, material stockpiles, and other surfaces which can create dust.
- Installation and use, where practical, of hoods, fans, and fabric filters or equivalent systems to enclose and vent the handling of dusty materials. Adequate containment methods should be employed during sandblasting or other operations.
- Covering, where practical, of open bodied trucks transporting materials likely to give rise to airborne dusts. Paving of roadways and their maintenance in a clean condition, where practical.
- Prompt removal of earth or other stored material from streets, where practical.

#### **2.2 Responsible Control Measures**

The permittee shall monitor and maintain records of the frequency and the method(s) used (i.e., water, chemical dust suppressants, etc.) to reasonably control fugitive emissions.

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.

### **Odors**

#### **2.3 Odors**

In accordance with IDAPA 58.01.01.776.01, 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.

#### **2.4 Odor Complaints**

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.

## **2.5 Odor Management Plan**

The permittee shall maintain and follow an Odor Management Plan which describes the methods and procedures that will be used and followed to comply with the Odor rules.

- The Odor Management Plan shall include detailed information including, but not limited to, the use of odor control technology.
  - With the exception of any written DEQ-approved alternative, the permittee shall install or integrate odor control technology to control odors from the asphalt facility. Use of any odor control technology shall be consistent with the manufacturer's specifications and recommendations as described in the odor management plan.
  - The permittee shall maintain a copy of the odor control technology operating specifications and recommendations provided by the manufacturer, and shall incorporate these operating specifications and recommendations.
- The Odor Management Plan shall include manufacturer recommendations and specifications for any odor control equipment used.
- The Odor Management Plan, including all additions and revisions thereto, shall remain on site at all times and shall be made available to DEQ representatives upon request.

## **2.6 Odor Reporting**

The permittee shall submit periodic reports to DEQ's Boise Regional Office by January 15 and July 15 of each year, or per an alternative DEQ-approved schedule, summarizing the occurrences or non-occurrences of odor complaints and the corrective actions taken in response to the complaints.

## **Visible Emissions**

### **2.7 Opacity Limit**

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 procedures contained in IDAPA 58.01.01.625. These provisions shall not apply when the presence of uncombined water, NO<sub>x</sub>, and/or chlorine gas is the only reason for the failure of the emission to comply with the requirements of this section

## **Open Burning**

### **2.8 Open Burning Requirement**

The permittee shall comply with the requirements of the Rules for Control of Open Burning, IDAPA 58.01.01.600-623.

## **Reports**

### **2.9 Reporting Requirement**

Any reporting required by this permit shall be submitted to the following address:

Air Quality Permit Compliance  
Department of Environmental Quality  
Boise Regional Office  
1445 N Orchard

Boise, Idaho 83706  
 Phone: (208) 373-0550  
 Fax: (208) 373-028

## Fuel-burning Equipment

### 2.10 Emission Limit

The permittee shall not discharge to the atmosphere from any fuel-burning equipment PM in excess of 0.015 gr/dscf of effluent gas corrected to 3% oxygen by volume for gaseous fuel and 0.050 gr/dscf of effluent gas corrected to 3% oxygen by volume for liquid fuel.

## NSPS 40 CFR 60 Subpart A – General Provisions

### 2.11 Reporting Requirement

The permittee shall comply with the General Provisions of the New Source Performance Standards (NSPS), as set forth under 40 CFR 60 Subpart A for all of the affected facilities designated under 40 CFR 60. The Administrator in 40 CFR 60 Subparts Dc, K and Kb is DEQ, unless otherwise stated. Generally applicable requirements of Subpart A of the NSPS are summarized in Table 2.1. These summaries are provided to aid the permittee in understanding the general requirements and to highlight the notification and record keeping requirements of 40 CFR 60 for affected facilities.

**Table 2.1 NSPS SUBPART A (40 CFR 60.1) SUMMARY OF GENERAL PROVISIONS FOR AFFECTED FACILITIES**

Section	Section Title	Summary of Section
60.4	Address	All notifications and reports shall be submitted to:  Boise Regional Office Department of Environmental Quality 1445 N Orchard Boise, ID 83706
60.7(b),(c)(d) and (f)	Notification and Record Keeping	<ul style="list-style-type: none"> <li>• Notification of construction commencement postmarked no later than 30 days of such date.</li> <li>• Notification of startup postmarked within 15 days of such date.</li> <li>• Notification of physical or operational change that may increase emissions postmarked 60 days before the change is made.</li> <li>• Maintain records of the occurrence and duration of any: startup, shutdown or malfunction of the affected source; malfunction of air pollution control device; and any period when a continuous monitoring system or monitoring device is inoperative.</li> <li>• Maintain in a permanent form records suitable for inspection all measurements, system testing, performance measurements, calibration checks, adjustments and maintenance performed. Shall be maintained for a period of two years from the date the record is required to be generated by the applicable regulation.</li> </ul>
60.8	Performance Tests	<ul style="list-style-type: none"> <li>• When testing is required, 60.8 specifies requirements as follows: Testing and report submittal timing; test methods; representative operating conditions during tests; notifications; providing performance testing facilities such as test ports and platforms; and a minimum of three “runs” per test.</li> </ul>
60.11(a),(b),(c), (d) and (g)	Compliance with Standards and Maintenance Requirements	<ul style="list-style-type: none"> <li>• Other than opacity standards, where performance tests are required compliance with standards is determined by methods and procedures established by 40 CFR 60.8. At all times, including periods of startup, shutdown, and malfunction to the extent practicable, the operator shall maintain and operate any affected facility and air pollution control equipment consistent with good air pollution control practices. For the purposes of determining compliance with standards any creditable evidence may be used if the appropriate performance or compliance test procedure has been performed.</li> </ul>

Section	Section Title	Summary of Section
60.12	Circumvention	<ul style="list-style-type: none"> <li>• No owner or operator shall build, erect, install or use any article or method, including dilution, to conceal an emission which would otherwise constitute a violation.</li> </ul>
60.13	Monitoring	<ul style="list-style-type: none"> <li>• Not applicable since the facility is not required to use any continuous monitoring systems.</li> </ul>
60.14	Modification	<ul style="list-style-type: none"> <li>• With certain exceptions, a modification is any physical or operational change to an existing facility which results in an increased emission rate of any pollutant to which a standard applies.</li> <li>• Upon modification, an existing facility shall become an “affected facility” for each pollutant to which a standard applies.</li> <li>• Emission rate shall be expressed as kg/hr (lb/hr) of the pollutant for which a standard is applicable, and it is determined per 60.14.</li> <li>• Within 180 of completion of the physical/operational change, compliance with applicable standards must be achieved.</li> </ul>
60.15	Reconstruction	<ul style="list-style-type: none"> <li>• An existing facility becomes an “affected facility”, irrespective of any change in emission rate.</li> <li>• In general, “reconstruction” means the replacement of components of an existing facility to such an extent that the fixed capital cost of the new components exceeds 50% of the fixed capital cost required to construct a comparable entirely new facility.</li> <li>• Notification of the proposed replacements postmarked 60 days before commencing construction.</li> </ul>

### 3 Storage Tanks

#### 3.1 Process Description

The primary purpose of the emissions units is for the storage and mixing of various materials to meet the specifications of clients. The largest volumes of material are asphalt cement, asphalt emulsion, and asphalt cutback.

#### 3.2 Control Device Descriptions

Refer to Table 1.1 for a description of emissions control measures.

### Emission Limits

#### 3.3 Emission Limits

The VOC emissions from the combined storage tanks shall not exceed any corresponding emissions rate limits listed in Table 3.1.

Table 3.1 Combined Storage Tanks Emission Limits<sup>(a)</sup>

Source Description	VOC	
	lb/day <sup>(b)</sup>	T/yr <sup>(c)</sup>
Asphalt cement, asphalt emulsion, asphalt cutback, No. 1 fuel oil, No. 2 fuel oil, naphtha, asphalt extenders and emulsifiers storage tanks, collectively	37	7

- a) In absence of any other credible evidence, compliance is ensured by complying with permit operating, monitoring, and record keeping requirements.
- b) Pounds per calendar day.
- c) Tons per any consecutive 12-calendar month period.

### Operating Requirements

#### 3.4 Throughput Limits

- The maximum annual throughput of the asphalt cement shall not exceed 157,282,436 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the asphalt emulsion shall not exceed 49,999,700 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the asphalt cutback shall not exceed 15,000,000 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the naphtha shall not exceed 1,000,000 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the No. 1 fuel oil shall not exceed 2,250,000 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the No. 2 fuel oil shall not exceed 2,250,000 gallons per any consecutive 12-month period (gal/yr).
- The maximum annual throughput of the emulsifier and/or extender shall not exceed 2,250,000 gallons per any consecutive 12-month period (gal/yr).

## **Monitoring and Recordkeeping Requirements**

### **3.5 Throughput Monitoring**

Each calendar month, the permittee shall monitor and record the throughput of each material for the previous month in gallons per month. The throughput of each material shall be determined by summing the monthly throughput over the previous consecutive 12-month period to demonstrate compliance with the Throughput Limits permit condition.

## **NSPS Requirements**

### **3.6 40 CFR 60, Subpart K**

- The permittee shall perform all monitoring, recordkeeping and reporting requirements for each applicable storage tank as defined by 40 CFR Part 60 Subpart K.
- The owner or operator subject to 40 CFR Part 60 Subpart K, §60.113 shall maintain a record of the petroleum liquid stored, the period of storage, and the maximum true vapor pressure of that liquid during the respective storage period.

## 4 Fuel-burning Equipment

### 4.1 Process Description

The fuel-burning equipment consists of one 17 MMBtu/hr Sellers boiler and a 14.5 MMBtu/hr hot-oil heater. The primary purpose of the boiler is to heat the asphalt material in the rail cars to allow it to be pumped into the storage tanks. The primary purpose of the hot-oil heater is to heat specific storage tanks to maintain the material for pumping.

### 4.2 Control Device Descriptions

Refer to Table 1.1 for a description of emissions control measures.

## Emission Limits

### 4.3 Emission Limits

The PM<sub>10</sub> and NO<sub>x</sub> emissions from the Sellers boiler and the hot-oil heater stacks shall not exceed any corresponding emissions rate limits listed in Table 4.1.

Table 4.1 Sellers Boiler and Hot-Oil Heater Emission Limits<sup>(a)</sup>

Source Description	PM <sub>10</sub> <sup>(b)</sup>		NO <sub>x</sub>
	lb/day <sup>(c)</sup>	T/yr <sup>(d)</sup>	T/yr <sup>(d)</sup>
One 17 MMBtu/hr Sellers boiler and one 12 MMBtu/hr hot-oil heater, collectively	5.8	1.0	14

- a) In absence of any other credible evidence, compliance is ensured by complying with permit operating, monitoring, and record keeping requirements.
- b) Particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers, including condensable particulate as defined in IDAPA 58.01.01.006.
- c) Pounds per calendar day.
- d) Tons per any consecutive 12-calendar month period.

## Operating Requirements

### 4.4 Throughput Limits

The maximum annual throughput of natural gas for the Sellers boiler and the hot-oil heater combined shall not exceed 401,000,000 standard cubic feet (scf) or the equivalent of 4,210,000 therms per any consecutive 12-month period.

## Monitoring and Recordkeeping Requirements

### 4.5 Throughput Monitoring

Each calendar month, the permittee shall monitor and record the quantity of natural gas combusted in the Sellers boiler and the hot-oil heater combined for the previous month in scf or therms per month. The quantity of natural gas shall be determined by summing the monthly operation n over the previous consecutive 12-month period to demonstrate compliance with the Throughput Limits permit condition.

## NSPS Requirements

### 4.6 Sellers Boiler Fuel Records

The permittee shall monitor and maintain records of the amount of natural gas combusted in the Sellers boiler each day in accordance with 40 CFR 60.48c(g)(1), or the permittee may elect to record and maintain records of the amount of fuel combusted in the Sellers boiler during each calendar month in accordance with 40 CFR 60.48c(g)(2); or to record and maintain records of the

total amount of gas delivered to the entire Ergon Asphalt and Emulsions, Inc. property during each calendar month in accordance with 40 CFR 60.48c(g)(3).

**4.7 Sellers Boiler Reporting of Changes in Increasing Emissions**

For the Sellers boiler, the permittee shall provide notification of any physical and operational changes which may increase emissions, unless that change is specifically exempted by 40 CFR Subpart Dc or by 40 CFR 60.14(e). The notification shall be postmarked 60 days before the change is made, or as soon as reasonably practicable. The notification shall include: the precise nature of the change, present and proposed emission control systems, productive capacity before and after the change, and the expected completion date of the change in accordance with 40 CFR 60.7(a)(4). Notifications should be submitted to the address shown in Permit Condition 2.8 of this permit.

## 5 Loading Racks

### 5.1 Process Description

The purpose of the loading racks is to load the finished blend of product into trucks for shipment.

### 5.2 Control Device Descriptions

Refer to Table 1.1 for a description of emissions control measures.

## Emission Limits

### 5.3 Emission Limits

The VOC emissions from the loading racks shall not exceed any corresponding emissions rate limits listed in Table 5.1.

**Table 5.1 Loading Racks Emission Limits<sup>(a)</sup>**

Source Description	VOC	
	lb/day <sup>(b)</sup>	T/yr <sup>(c)</sup>
Loading racks for asphalt cement, asphalt emulsion, and asphalt cutback collectively	15	3

- a) In absence of any other credible evidence, compliance is ensured by complying with permit operating, monitoring, and record keeping requirements.
- b) Pounds per calendar day.
- c) Tons per any consecutive 12-calendar month period.

## Operating Requirements

### 5.4 Throughput Limits

The maximum annual throughput of the loading racks is 50,000,000 gallons of asphalt cement, 50,000,000 gallons of asphalt emulsion, and 15,000,000 gallons of asphalt cutback per any consecutive 12-month period. The maximum annual throughput of the loading racks shall not exceed 115,000,000 gallons per any consecutive 12-month period (115 MM gal/yr).

## Monitoring and Recordkeeping Requirements

### 5.5 Throughput Monitoring

Each calendar month, the permittee shall monitor and record the loading rack throughput of asphalt cement, asphalt emulsion, asphalt cutback, and the total loading rack throughput for the previous month in gallons per month. Loading rack throughput shall be determined by summing the monthly throughput over the previous consecutive 12-month period to demonstrate compliance with the Throughput Limits permit condition.

## 6 General Provisions

### General Compliance

**6.1** 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.]

**6.2** 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, 5/1/1994]

**6.3** 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, 5/1/1994]

### Inspection and Entry

**6.4** 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

**6.5** 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, 5/1/1994]

**6.6** 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, 5/1/1994]

- 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, 5/1/1994]

## Performance Testing

**6.7** 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.

**6.8** 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.

**6.9** 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, 4/5/2000 and 4/11/2015]

## Monitoring and Recordkeeping

**6.10** 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, 5/1/1994]

## **Excess Emissions**

- 6.11** The permittee shall comply with the procedures and requirements of IDAPA 58.01.01.130–136 for excess emissions due to start-up, shut-down, scheduled maintenance, safety measures, upsets, and breakdowns.

[IDAPA 58.01.01.130–136, 4/5/2000]

## **Certification**

- 6.12** All documents submitted to DEQ—including, but not limited to, records, monitoring data, supporting information, requests for confidential treatment, testing reports, or compliance certification—shall contain a certification by a responsible official. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document(s) are true, accurate, and complete.

[IDAPA 58.01.01.123, 5/1/1994]

## **False Statements**

- 6.13** No person shall knowingly make any false statement, representation, or certification in any form, notice, or report required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.125, 3/23/1998]

## **Tampering**

- 6.14** No person shall knowingly render inaccurate any monitoring device or method required under this permit or any applicable rule or order in force pursuant thereto.

[IDAPA 58.01.01.126, 3/23/1998]

## **Transferability**

- 6.15** This permit is transferable in accordance with procedures listed in IDAPA 58.01.01.209.06.

[IDAPA 58.01.01.209.06, 4/11/2006]

## **Severability**

- 6.16** The provisions of this permit are severable, and if any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

[IDAPA 58.01.01.211, 5/1/1994]