

# Fact and Rationale Document



## *For Class II General Permit Number G20-B for the Construction, Modification, Relocation, Administrative Update, Operation and Prevention and Control of Air Pollution from the Operation of Hot Mix Asphalt Plants Under 45CSR13*

This Fact and Rationale Document serves to address the changes specific to Class II General Permit G20-B and shall be considered a supplement to the original Fact Sheet corresponding with the issuance of the initial General Permit issued on November 2, 1999.

Permit Number: **G20-B**

*Revised*

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### **Description of Activity**

Eligible batch mix, drum mix or continuous mix hot mix asphalt plants will have a SIC code of 2951 and be subject to the New Source Performance Standards of 45CSR16 & 40 C.F.R. 60, Subpart I (or an existing plant which will be newly subject to NSPS upon modification). Asphalt plants using recycled asphalt (RAP) and employing a crusher subject to 40 C.F.R. 60, Subpart OOO, will also be eligible for registration under this Class II General Permit. This Class II General Permit is being updated to reflect rule changes promulgated in 2000 and 2003, as well as to allow the crushing of RAP.

### **County**

Any West Virginia county except for any hot mix asphalt plant located within the boundaries of or which may significantly impact any nonattainment area.

### **Sources and Estimation of Emissions**

Sources of emissions at eligible hot mix asphalt plants include but are not limited to burners, dryers, elevators, screens, mixers, weighing equipment, bins, storage silos and air pollution control devices; systems for loading, transferring and storing mineral filler, crushing of recycled asphalt, the loading, transfer and storage systems associated with primary and/or secondary collection emission control devices and fugitive emissions from haulroads. An estimate of criteria and hazardous/toxic pollutant emissions shall be submitted with each Class II General Permit *Registration Application* on an *Emission Summary Sheet*.

## Rationale

**Authority.** This Class II General Permit is issued in accordance with West Virginia air pollution control law W.Va. Code "22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- a. 45CSR13 - *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation.* As provided in 45CSR13, the Director may issue Class II General Permits involving the same or similar processes or pollutants;
- b. 45CSR3 - *To Prevent and Control Air Pollution from the Operation of Hot Mix Asphalt Plants;* and
- c. 45CSR16 - *Standards of Performance for Stationary Sources.* 45CSR16 incorporates by reference 40 C.F.R. 60, Subpart I - *Standards of Performance for Hot Mix Asphalt Facilities;* and, Subpart OOO - *Standards of Performance for Nonmetallic Minerals Processing Plants.*

As provided in 45CSR13, the Director may issue Class II General Permits involving the same or similar processes or pollutants. For eligible applicants and/or registrants, Class II General Permit registration satisfies the construction, modification, relocation or administrative update and operating permit requirements of 45CSR13, 45CSR3 & 45CSR16.

**Purpose.** The purpose of this Class II General Permit is to authorize the construction, modification, relocation and operation of eligible hot mix asphalt plants through a Class II General Permit registration process. The requirements, provisions, standards and conditions of this Class II General Permit address the prevention and control of regulated pollutants from the operation of hot mix asphalt plants.

**History.** General permits have provided state environmental agencies, EPA and the regulated community with an efficient permitting mechanism since the early 1990s. WVDEP has operated a Division of Air Quality general permitting program since 1997.

**Projection.** When the Director determines a submitted *Registration Application* is administratively and technically complete; the proposed construction, modification and/or operation of a hot mix asphalt plant demonstrates eligibility and compliance with the requirements, provisions, standards and conditions of the Class II General Permit, the Director will grant Class II General Permit registration authorizing the proposed activity.

### Term and Renewal

- a. This Class II General Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR3, 45CSR13, 45CSR16 or any other applicable legislative rule;
- b. Class II General Permit registration granted by the Director shall remain valid, continuous and in effect unless it is suspended or revoked by the Director or this Class II General Permit is subject to action or change; and
- c. The Director shall review and may renew, reissue or revise this Class II General Permit for cause. The Director shall define the terms and conditions under which existing General Permit registrations will be eligible for registration under a renewed, reissued or revised Class II General Permit and provide written notification to all General Permit registrants (or applicants). This notification shall also describe the registrant's (or applicant's) duty or required action and may include a request for any additional information that may be required by any proposed Class II General Permit renewal, reissuance or revision.

### Eligibility and Registration

All batch mix, drum mix or continuous mix asphalt plants subject to the New Source Performance

Standards of 45CSR16 & 40 C.F.R. 60, Subpart I (or an existing plant which will be newly subject to NSPS upon modification) and having a primary or secondary Standard Industrial Classification (SIC) code of 2951 are eligible for Class II General Permit registration except for:

1. Any hot mix asphalt plant which is a major source as defined in 45CSR14 or a non-deferred Title V source as defined in 45CSR30. In the event that registered affected facilities (deferred Title V sources) subject to NSPS, 40 C.F.R. 60, Subpart I or Subpart OOO, 45CSR16 and 45CSR30 are required by EPA to obtain Title V major source operating permit coverage under 45CSR30, applicable Class II General Permit operating and compliance requirements and registration-specific process design capacity and yearly throughput limitations shall be incorporated into an appropriate Title V individual or general operating permit. Issuance of a Title V operating permit to a registered hot mix asphalt plant shall not result in Class II General Permit registration being superseded by the Title V permit. Class II General Permit registration and a Title V operating permit shall remain separately enforceable;
2. Any hot mix asphalt plant, facility or equipment that is subject to the requirements of 45CSR14, 45CSR15, 45CSR19, 45CSR25 or 45CSR27;
3. Any hot mix asphalt plant which incorporate emission units other than the following: dryers; systems for screening, handling, storing and weighing aggregate; systems for loading, transferring and storing mineral filler; crushing of recycled asphalt (RAP); systems for mixing hot mix asphalt; air pollution control devices and associated loading, transfer and storage systems; paved and unpaved roads and parking areas; internal combustion engine driven electric generators; asphalt cement and petroleum liquid storage tanks, liquid asphalt cement storage tank heaters and comfort heaters;
4. Any hot mix asphalt plant which incorporates:
  - a. a thermal oxidizer for control of volatile organic compound emissions; or
  - b. an electrostatic precipitator or wet scrubber as a particulate matter secondary collection air pollution control device; or
  - c. an asphalt cement or petroleum liquid storage vessel or tank greater than or equal to 151 m<sup>3</sup> (39,889 gallons) capacity; or
  - d. an asphalt cement or petroleum liquid storage vessel or tank greater than or equal to 75 m<sup>3</sup> (19,812 gallons) capacity and a working true vapor pressure which exceeds 15.0 kPa (2.17 psia).

### Regulatory Applicability

State:	45CSR3	To Prevent and Control Air Pollution from the Operation of Hot Mix Asphalt Plants.
	45CSR13	Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation.
	45CSR16	Standards of Performance for Stationary Sources. 45CSR16 incorporates by reference 40 C.F.R. 60, Subpart I - <i>Standards of Performance for Hot Mix Asphalt Facilities</i> , Subpart OOO - <i>Standards of Performance for Nonmetallic Minerals Processing Plants</i> .
	45CSR30	Requirements for Operating Permits.
Federal:	40 C.F.R. 60, Subpart I	- <i>Standards of Performance for Hot Mix Asphalt Facilities</i> .
	40 C.F.R. 60, Subpart OOO	- <i>Standards of Performance for Nonmetallic Minerals Processing Plants</i> .

### Non-Criteria Regulated Pollutants

Small amounts of non-criteria regulated hazardous or toxic air pollutants such as benzene, ethylbenzene, toluene, xylenes and formaldehyde may be emitted during the production of hot mix asphalt. Total non-criteria regulated hazardous/toxic air pollutant emissions are tabulated for each registered hot mix asphalt plant in the Class II General Permit Registration Application. The Director has determined that due to

typically small amounts emitted, these non-criteria regulated hazardous/toxic pollutants should not adversely impact an applicable ambient air quality standard or cause or contribute to degradation of public health and welfare. Any hot mix asphalt plant granted Class II General Permit registration by the Director shall not have a potential to emit of 10 tons per year of any hazardous/toxic pollutant or 25 tons per year of any combination of hazardous/toxic pollutants. Toxicity analysis will be performed when the Director finds existing circumstances and/or submitted data provide cause for an assessment to be made concerning whether a specific hot mix asphalt plant may interfere with attainment or maintenance of an applicable ambient air quality standard or cause or contribute to degradation of public health and welfare.

### **Air Quality Impact Analysis**

Air dispersion modeling will be performed when the Director finds existing circumstances and/or submitted data provide cause for an assessment to be made concerning whether a specific hot mix asphalt plant may interfere with attainment or maintenance of an applicable ambient air quality standard or cause or contribute to a violation of an applicable air quality increment from any proposed Class II General Permit registration action. Factors to be considered when determining whether an ambient air assessment would be made include:

- a. Existing air quality of the area;
- b. Topographic or meteorological factors;
- c. Maximum emissions; and
- d. Siting criteria.

### **Public Comment Period**

The West Virginia Department of Environmental Protection Division of Air Quality (DAQ) is providing notice to the general public of its intent to issue a Class II General Permit for the construction, modification, relocation or administrative update of and to prevent and control air pollution from the operation of hot mix asphalt plant operations pursuant to WV Legislative Rules 45CSR13 and 45CSR3.

Provided that the applicant or registrant can demonstrate compliance with the requirements, provisions, standards and conditions of this Class II General Permit, the DAQ has determined that all state air quality requirements will be met by any eligible hot mix asphalt plant. Any hot mix asphalt plant granted Class II General Permit registration by the Director shall not have a potential to emit particulate matter in an amount equal to or greater than 250 tons per year.

The public may provide written comments regarding this DRAFT Class II General Permit to the Division of Air Quality during the period from **July 10 through August 8, 2003**. **All written comments pursuant to this notice must be received by the DAQ within thirty (30) days of the date of publication of this notice.** Based upon the significance of any written comments received addressing the subject of this notice, the Director of the DAQ may elect to hold a public meeting to receive further public comment. Prior to taking any final action on this permitting issue, the DAQ will consider only those written comments relevant to air quality issues which this Division has jurisdiction. Such written comments must be received within the specified time frame and at the address below.

This notice provides an opportunity for the public to review the DRAFT Class II General Permit and Fact and Rationale Document. In the event you wish to submit written comments addressing this permitting action, include your name, a return address, and a daytime telephone number and indicate any organization on behalf of which your comments are submitted. If, in your written comment you request that a public meeting be held to discuss this permitting action, please state the specific air quality issue(s) which you feel requires additional evaluation by this Division. All public comments are a part of the public record and are available for inspection by any interested party.

Copies of the DRAFT Class II General Permit and Fact and Rationale Document are available for public review at the following location between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday,

holidays excluded, unless otherwise noted below:

West Virginia Department of Environmental Protection  
Division of Air Quality  
7012 MacCorkle Avenue, SE  
Charleston, WV 25304-2943  
Contact: B. Brian Beaver  
(304) 926-3727  
www.dep.state.wv.us

**Comment Period**

Beginning Date: July 10, 2003  
Ending Date: August 8, 2003

All written comments should be addressed to the following individual and office:

B. Brian Beaver  
General Permits Coordinator  
West Virginia Department of Environmental Protection  
Division of Air Quality  
7012 MacCorkle Avenue, SE  
Charleston, WV 25304-2943

**When to Apply**

After the effective date of the Class II General Permit, an owner or operator may submit a Class II General Permit *Registration Application* for construction, modification, relocation or administrative update and/or operation of any eligible or proposed hot mix asphalt plant in lieu of submitting a individual permit application pursuant to 45CSR13 and/or 45CSR3.

**Point of Contact**

Comments and questions concerning the proposed Class II General Permit should be addressed to the following office and individual:

B. Brian Beaver  
West Virginia Department of Environmental Protection  
Division of Air Quality  
7012 MacCorkle Avenue, SE  
Charleston, WV 25304-2943  
Telephone: (304) 926-3727  
Fax: (304) 926-3739