



## **Air Quality Permitting Response to Public Comments**

**November 16, 2017**

**Permit to Construct No. P-2015.0021**

**Project No. 61621**

**Kloepfer Inc. – Paul Ready-Mix Batch Plant  
Paul, Idaho**

**Facility ID No. 067-00019**

Prepared by:  
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AIR QUALITY DIVISION

A handwritten signature in black ink, appearing to be "ML", is written over the text "Permit Writer".

**Final**

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## BACKGROUND

The Idaho Department of Environmental Quality (DEQ) provided for public comment on the proposed permit to construct for Kloepfer Inc. – Paul Ready-Mix Batch Plant from October 2, 2017 through November 1, 2017, in accordance with IDAPA 58.01.01.209.01.c. During this period, comments were submitted in response to DEQ’s proposed action. Each comment and DEQ’s response is provided in the following section. All comments submitted in response to DEQ’s proposed action are included in the appendix of this document.

## PUBLIC COMMENTS AND RESPONSES

Public comments regarding the technical and regulatory analyses and the air quality aspects of the proposed permit are summarized below. Questions, comments, and/or suggestions received during the comment period that did not relate to the air quality aspects of the permit application, the Department’s technical analysis, or the proposed permit are not addressed. For reference purposes, a copy of the Rules for the Control of Air Pollution in Idaho can be found at: <http://adminrules.idaho.gov/rules/current/58/0101.pdf>.

**Comment 1:** A comment was submitted concerning the annual concrete production rate limit. An annual throughput based on what was requested in the application should reflect 45,900 cubic yards per year (yd<sup>3</sup>/yr) rather than 64,900 as yd<sup>3</sup>/yr as provided in the proposed permit.

**Response 1:** The annual concrete production limit (Permit Condition 3.5) has been updated to limit throughput to 45,900 yd<sup>3</sup>/yr, consistent with the application.

Although emission estimates and modeling analyses in support of this project were prepared assuming a maximum annual production rate of 64,900 yd<sup>3</sup>/yr, the limit should have been established based upon the throughput requested in the application.

**Comment 2:** A comment was submitted concerning the modeled concentration of arsenic. Additional detailed information regarding the emission calculations was requested because the maximum modeled concentration of arsenic was reported above 95% of the acceptable ambient concentration for carcinogens (AACC).

**Response 2:** As provided in this comment, revision to annual concrete production limit (Permit Condition 3.5) as discussed in the response to Comment #1 should address and mitigate the commenter’s concerns. By reducing the annual throughput over 29%, the maximum modeled concentration of arsenic would no longer be expected to exceed 95%.

As also indicated in the comment, the precise value reported from modeling output was clarified to be 2.2996E-4 µg/m<sup>3</sup> (Table 7 of Appendix B – Ambient Air Quality Impact Analyses), which when rounded demonstrates preconstruction compliance with the applicable AACC for arsenic of 2.30E-04 µg/m<sup>3</sup>.

**Comment 3:** A comment was submitted concerning unpermitted operations, that the permittee was constructed and began operation in 1954. It was requested that additional details related to specific modifications since initial construction, DEQ’s reasoning for initiating this permitting action, and any DEQ enforcement actions related to the operation of this facility be explained. It was also requested that a program strategy for identifying other unpermitted sources be established by DEQ.

**Response 3:** The existing facility has had no previous history of public complaints made to DEQ. DEQ became aware of this unpermitted source through an inspection of permitted units from the same owner. DEQ has determined that although the concrete batch plant was grandfathered from air quality permitting

when initially constructed sometime in 1954, the facility acknowledged several plant modifications have taken place since that time, and DEQ has determined a Permit to Construct is now required.

In regards to DEQ's efforts in finding existing unpermitted facilities in the state of Idaho, DEQ's six Regional Offices would be glad to follow up on any leads the public may have as DEQ has a limited number of resources dedicated to inspecting sources. As for further details of any on-going compliance or enforcement actions, it is not be appropriate to include this information within the Statement of Basis. The Statement of Basis is reserved specifically for the explanation of the DEQ's decision to issue or deny a permit.

**Comment 4:** A comment was submitted requesting that the time of day be specified during which facility-wide inspection of fugitive emissions be conducted. The commenter notes that time of day, wind levels, and other variables could impact emissions of fugitive dust.

**Response 4:** DEQ developed the Fugitive Dust Monitoring and Recordkeeping condition (Permit Condition 2.4) to provide monitoring to demonstrate compliance with IDAPA 58.01.01.650 and 651 as required by the Reasonable Control of Fugitive Emissions conditions (Permit Condition 2.1). Specifying hours to perform the monitoring of fugitive emissions at the facility does not provide additional compliance with the requirement that "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne" so long as monitoring occurs once per day as required by the permit.

**APPENDIX**

**Public Comments Submitted for P-2015.0021 Project 61621**



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LEAGUE

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October 30, 2017

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Re: Permit to Construct No. P-2015.0021

Dear Ms. Chin and Mr. Lewis:

Thank you for considering our comments on the Kloepfer Inc. concrete batch plant PTC (No. P-2015.0021).

Since 1973, the Idaho Conservation League has had a long history of involvement with air quality issues. As Idaho's largest state-based conservation organization we represent over 30,000 supporters who have a deep personal interest in ensuring that our air quality is protected throughout the state.

We thank you for the opportunity to submit comments and ask that you please send us subsequent documents for this project. We look forward to continuing to work with the Department of Environmental Quality on this project and others in the future. Please feel free to contact us if you have any questions or require additional information.

Sincerely,

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## **Concrete Production Limits**

*Permit Condition 3.5* states that “Concrete production from this facility should not exceed the following limits: 64,900 cubic yards per consecutive 12 months.” This number appears to be the maximum production rate of the concrete mixer at this facility, and was accordingly used for the TAPs maximum modeled concentration analysis. However, in the Statement of Basis, it is noted that “annual concrete production is limited to 45,900 cubic yards per year as a requirement of applying for the Concrete Batch Plant General Permit” (pg. 4). This is based on the applicant’s permit application, in which they list the rated capacity of the concrete batch plant as 45,900 cubic yards per year<sup>1</sup>. DEQ used this 45,900 yd<sup>3</sup>/yr number to calculate emission estimates of criteria pollutant PTE (pg. 5).

We request that DEQ address this notable discrepancy. Since the applicant proposed the 45,900 yd<sup>3</sup>/yr concrete production limit, we would like DEQ to adhere to that number and accordingly change *Permit Condition 3.5*. This would also help mitigate our concerns about the modeled arsenic concentration being extremely close to the acceptable limit (discussed further in next comment).

## **TAPs Impact Modeling**

Ambient air quality modeling for toxic air pollutants from this facility, presented in Table 7 in the Statement of Basis, indicates that the maximum modeled concentration of arsenic is 99.98% of the acceptable ambient concentration for carcinogens – extremely close to exceeding the limit (using the max throughput value of 64,900 yd<sup>3</sup>/yr). We would like to know what the standard error on this modeling is, and also request that DEQ present their calculations in more detail when the modeled maximum concentration is within 5% of the acceptable limit. Our concerns with regards to this issue for this specific permit would be mitigated if DEQ changes *Permit Condition 3.5* to reflect the applicant’s proposed concrete production limit (as discussed in the previous comment), which is a lower value and therefore would prevent arsenic concentrations from closely approaching the acceptable limit.

In addition, we request that DEQ use the more precise value for the arsenic maximum modeled concentration in Table 7 rather than rounding up in order to distinguish that value from the ambient concentration limit (i.e., clearly show that it is below the limit). Based on communication with DEQ staff, the exact number to be used is 2.2996E-4 µg/m<sup>3</sup>.

## **Unpermitted Operations**

In the Statement of Basis, the Facility Information section on page 4 notes that the facility under consideration was constructed in 1954 and has been in operation ever since. However, the proposed PTC would be the first air quality permit for this facility. Thus, this facility has been operating without a permit for over 60 years. While we appreciate the initiation of the permitting process at this time, it does not excuse years of unpermitted operations. If nothing else, DEQ should provide a far more detailed explanation of the circumstances of the facility permitting history in the Statement of Basis and continue to do so for future permits of this nature to provide necessary context. A sufficient explanation should include, but is not limited to, the following: a list and case-by-case explanation of all facility modifications since the date of facility construction, DEQ’s reasoning for initiating the process for a PTC for the facility in question, and what (if any) actions DEQ will take with regard to the unpermitted operation of this facility prior to this PTC.

<sup>1</sup> See: <http://www.deq.idaho.gov/media/60180733/kloepfer-paul-ptc-application-1017.pdf>

We also request DEQ explain the specific actions it will take to identify other unpermitted concrete batch plants throughout the state, given that concrete processing can result in the significant release of carcinogens such as arsenic and chromium into the air. Multiple concrete facilities have recently gone through the process of getting an initial PTC (e.g., No. P-2017.0036), but there are likely others in the state that remain unpermitted. We recommend that DEQ formulate a systematic strategy for identifying and permitting those facilities.

### **Fugitive Emission Recordkeeping**

We request that DEQ amend the monitoring and recordkeeping requirement for fugitive dust at Permit Condition 2.4 to read as follows: “The permittee shall conduct a facility-wide inspection of potential sources of visible fugitive emissions under normal operating conditions, between the hours of 12:00 PM and 5:00 PM, once each day that the concrete batch plant operates.” DEQ has previously declined this request on the grounds that specifying hours to perform the monitoring of fugitive emissions does not provide additional compliance with the requirement that “all reasonable precautions should be taken to prevent particulate matter from becoming airborne” (*IDAPA 58.01.01.651*). However, the primary variable affecting fugitive dust is wind and wind speeds are typically highest in the afternoon due to warming of the air as the day goes on. Therefore, we contend that permittee should be taking records for fugitive dust during the time of day most likely to experience the strongest wind levels, a seemingly reasonable precaution to prevent airborne particulate matter.