



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

APR 19 2017

Ms. Tressia Contreras
FNF Construction, Inc.
115 South 48th Street
Tempe, Arizona 85282

Re: Approval of Request for Coverage for a Hot Mix Asphalt Plant in Indian Country, Facility ID #9, Application #2017-001-GP

Dear Ms. Contreras:

This letter provides the U.S. Environmental Protection Agency (EPA), Region 9's determination in response to the Request for Coverage under the General Air Quality Permit for New or Modified Minor Hot Mix Asphalt Plants in Indian Country (HMA General Permit) that EPA received from FNF Construction Inc. (FNF) pursuant to the Clean Air Act (CAA) Tribal Minor New Source Review (NSR) Program. The project for which HMA General Permit coverage is sought by FNF is the construction and operation of a Hot Mix Asphalt Plant located at the site of State Route 264 road construction that extends from Fish Wash to Burnside in Ganado, Arizona. Processed aggregates (sand, gravel, rock) will be transported to the plant where they will be used in the manufacture of asphalt for use in the road construction.

Permittee: FNF Construction, Inc., 115 S. 48th Str., Tempe, AZ 85282

Location(s): SE ¼ Section 13, Township 27N, Range 26E (Lat: 35 44 13.94; Long: 109 30 42.76)

Determination

EPA has carefully reviewed FNF's Request for Coverage, as specifically defined in our Technical Support Document (TSD) for this action, and other relevant information, to determine whether the Project meets all of the criteria to qualify it to apply for coverage under the HMA General Permit. Based on our review of, and in reliance on, all of the information and representations provided in the Request for Coverage, EPA has determined that the Project meets all such criteria and is eligible for coverage under the HMA General Permit.¹ Accordingly, pursuant to 40 CFR 49.156(e), EPA is hereby approving the Request for Coverage for the Project.

Our analysis and basis for our determination is discussed in more detail in our TSD for this action. In addition, as also discussed in the TSD, EPA's Approval of Request for Coverage for the Project is based in part on representations by FNF in the Request for Coverage that the engines powering the equipment

¹ We note that EPA has determined that FNF has provided information demonstrating that it has met the listed species and historic properties eligibility criteria in the HMA General Permit for the Project, as discussed in our TSD.

at the Project are non-road (mobile) engines that will operate at the site identified above for a period of less than one year. These engines are the only engines powering the equipment at the site, and the Request for Coverage represents that the Project will have a total duration of less than one year. We note that if such engines and/or replacement engines intended to perform the same or a similar function are intended to be utilized for asphalt manufacturing for a period of at least one calendar year (or for a shorter time, if operations are conducted on a seasonal basis for consecutive seasons), or are actually utilized for this length of time, the engines would be considered stationary sources and subject to further requirements under the HMA General Permit, and the Project would not be eligible for coverage based on the current Request for Coverage, which does not indicate that stationary engines will be utilized for the Project.

This Approval of the Request for Coverage authorizes the Permittee to construct and operate the permitted source only at the facility location(s) listed above. All notifications and reports under this Approval of Request for Coverage under the HMA General Permit shall be sent to the addresses identified in the TSD. The Permittee is subject to Version 1.0 of the aforementioned HMA General Permit, a copy of which is enclosed with this Approval of Request for Coverage.²

This Approval of Request for Coverage must be posted prominently at the current site location and each affected emissions unit must be labeled with the applicable identification number listed below:

List of Affected Emission Units

ID #	Description of Affected Emission Units	Control Technology	Date of Manufacture
96-01	Dryer; 106 MMBtu/hour burner capacity; natural gas	Baghouse	2013
96-01	Drum Mixer; 350 ton/hour capacity	Baghouse	2013
96-03	Load Out Silo w/Slat Conveyor; 350 ton/hour capacity	N/A	2013
96-05	Cold Fee Bins; 350 ton/hour capacity	Wet Suppression	2013
96-06	Screen/ Pugmill; 350 ton/hour capacity	Wet Suppression	2013
96-07	Lime Silo; 350 ton/hour capacity	Baghouse	2013
96-08	Incline Weigh Conveyor; 350 ton/hour capacity	N/A	2013
96-09	Hot Asphaltic Concrete Oil Heater; 1.5 MMBtu/hour burner capacity; distillate	N/A	2013
96-09	Hot Asphaltic Concrete Oil Storage Tank; 30,000-gallon capacity; vapor pressure ND	N/A	2013
96-10	Diesel Fuel Tank; 18,000-gallon capacity; 0.022 psi @100° F	N/A	2013
96-11	Recycled Asphalt Bins RAP; 350 ton/hour capacity	N/A	2013
96-12	RAP Screen; 100 ton/hour capacity	Wet Suppression	2013
62-01	Asphalt Rubber Oil Heater; 4.2 MMBtu/hour burner capacity; distillate	N/A	1993
62-01	Asphalt Rubber Oil Tank; 30,000-gallon capacity; vapor pressure ND	N/A	1993
62-36	Hot Asphaltic Concrete Oil Heater; 1.8 MMBtu/hour burner capacity; distillate	N/A	1986

² The HMA General Permit is also available at <http://www.epa.gov/air/tribal/tribalnsr.html>, and a copy of this Approval will be posted on Region 9's website at <http://www.epa.gov/caa-permitting/tribal-nsr-permits-region-9>.

ID #	Description of Affected Emission Units	Control Technology	Date of Manufacture
62-36	Hot Asphaltic Concrete Oil Storage Tank; 30,000-gallon capacity; vapor pressure ND	N/A	1986
Rental	Natural gas tank; 11,000-gallon capacity; 45-70 psi	N/A	unk
Rental	Natural gas tank; 11,000-gallon capacity; 45-70 psi	N/A	unk

Applicable Permit Conditions

Your permitted source is generally subject to all terms and conditions in the HMA General Permit. However, certain conditions are not applicable to your permitted source, including:

1. Requirements for permitted sources located in nonattainment areas. Your source will be located in an area that is currently designated as attainment for all NAAQS pollutants. As such, your source is subject to the emission limits for sources in attainment areas. The limits for nonattainment areas are not applicable to your source.
2. The elective synthetic minor limit for co-located sources in Condition 17. Your application did not request the elective synthetic minor limit for co-located sources in Condition 17, and must instead comply with the operating limit in Condition 15.

Additional Information

You are reminded that you must construct and/or modify and operate the affected emissions units, and any associated air pollution control technologies, in compliance with the HMA General Permit and all other applicable federal air quality regulations and in a manner consistent with all the representations made in your Request for Coverage. You must comply with all applicable provisions of the General Permit, including those set forth in the attachments and emission limitations that apply to the affected emissions units at the permitted source. Noncompliance with any permit provision is a violation of the permit and may constitute a violation of the CAA; is grounds for an enforcement action; and is grounds for the EPA to revoke the Approval of the Request for Coverage and terminate your source's coverage under this General Permit. You may be subject to enforcement action for failure to obtain a preconstruction permit if you construct your source under this Approval of Request for Coverage and your source is later determined not to qualify for the conditions and terms of the HMA General Permit.

Pursuant to 40 CFR 49.156(e)(8), this Approval of Request for Coverage under the HMA General Permit will become invalid if you do not commence construction within 18 months after the date when this Approval of Request for Coverage becomes effective, if you discontinue construction for a period of 18 months or more, or if you do not complete construction within a reasonable time, unless EPA extends the 18-month period upon a satisfactory showing that an extension is justified.

EPA's Approval of Request for Coverage for the Project is a final agency action for purposes of judicial review, only for the issue of whether the Project qualifies for coverage under the HMA General Permit. 40 CFR 49.156(e)(6). Any petition for review of this approval action must be filed in the United States Court of Appeals for the appropriate circuit pursuant to CAA section 307(b).

If you have any questions, please contact La Weeda Ward at (213) 244-1812 or Ward.Laweeda@epa.gov.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth J. Adams". The signature is fluid and cursive, with the first name being the most prominent.

Elizabeth J. Adams
Acting Director, Air Division

Enclosures

- (1) HMA General Permit Version 1.0
- (2) Technical Support Document

cc (with enclosures):

Donald Benn, Navajo Nation Environmental Protection Agency
Eugenia Quintana, Navajo Nation Environmental Protection Agency
Tennille Begay, Navajo Nation Environmental Protection Agency