



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

Mr. Brian Gambrel, Project Manager
Fisher Sand & Gravel - New Mexico, Inc.
30A Frontage Road East
Placitas, New Mexico 87043

NOV 05 2015

Re: Approval of Request for Coverage for a Stone Quarrying, Crushing, and Screening Facility in Indian Country, Facility ID# 00005, Application# 2015-001-GP

Dear Mr. Gambrel:

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 Source Stone Quarrying, Crushing, and Screening Facilities in Indian Country (SQCS General Permit) that EPA received from Fisher Sand & Gravel – New Mexico, Inc. (FSG) pursuant to the Clean Air Act (CAA) Tribal Minor New Source Review (NSR) Program. The project for which SQCS General Permit coverage is sought by FSG is the construction and operation of a stone quarrying, crushing, and screening facility at the abandoned Grey Mesa Gravel Pit, which will entail construction of new equipment, renewal and expansion of operations at the existing gravel pit, and upgrading an existing access road (the Project).

Permittee: Fisher Sand & Gravel - New Mexico, Inc., 30A Frontage Road East, Placitas, New Mexico 87043

Location(s): Grey Mesa Gravel Pit, located approximately 2.5 miles southwest of Newcomb in San Juan County, New Mexico, on the Navajo Nation Indian Reservation (described in Appendices 1-2 of the 2009 Environmental Assessment included in Request for Coverage)

Determination

EPA has carefully reviewed FSG'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 SQCS 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 SQCS General Permit.¹ Accordingly, pursuant to 40 CFR 49.156(e), EPA is hereby approving the Request for Coverage for the Project.

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

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 FSG in the Request for Coverage that the engines powering the equipment at the Project are nonroad (mobile) engines that will operate at the site identified above for a period 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 stone quarrying, crushing, and/or screening operations at the Grey Mesa Gravel Pit 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 SQCS 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 SQCS General Permit shall be sent to the addresses identified in the TSD. The Permittee is subject to Version 1.0 of the aforementioned SQCS General Permit, and 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
1	Oversize Feeder; Fisher GSS 48X53; 700 tons/hour	Wet Suppression	2006
2	Jaw Crusher; Pioneer 2854; 300 tons/hour	Wet Suppression	1996
3	Cone Crusher; Spokane 82DG; 300 tons/hour	Wet Suppression	1981
4	Deck Screen; AC 500; 500 tons/hour	Wet Suppression	1994
5	Deck Screen; Terex/Cedarapids 3620; 500 tons/hour	Wet Suppression	1999
6	Cone Crusher; Torgerson HIS; 700 tons/hour	Wet Suppression	1994
7	Cone Crusher; JCI 1400RA; 300 tons/hour	Wet Suppression	1999
8	Deck Screen; JCI 3620; 500 tons/hour	Wet Suppression	New
9	Deck Screen; Fisher GSS; 500 tons/hour	Wet Suppression	New
11-19	Conveyors; 175 to 700 tons/hour	Enclosed Chute	Various
20-31	Conveyors; 175 to 700 tons/hour	Enclosed Chute	Various
TK-1	Diesel Tank; 10,000 gallons, 0.022psia @ 100°F	N/A	1992
TK-3	Diesel/gasoline tank; 2,000 gallons, 0.022psia @ 100°F	N/A	1992

Applicable Permit Conditions

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

² The SQCS 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>.

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 16. Your application did not request the elective synthetic minor limit for co-located sources in Condition 16, and must instead comply with the operating limit in Condition 15.

Additional Information

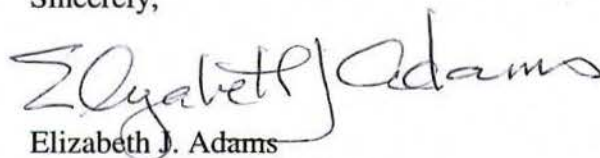
You are reminded that you must construct and/or modify and operate the affected emissions units, and any associated air pollution control technologies, in compliance with the SQCS General Permit and all other applicable federal air quality regulations and in a manner consistent with all the representations 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 SQCS General Permit.

Pursuant to 40 CFR 49.156(e)(8), this Approval of Request for Coverage under the SQCS 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 SQCS 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 Larry Maurin at (415) 972-3943 or Maurin.Lawrence@epa.gov.

Sincerely,


Elizabeth J. Adams
Acting Director, Air Division

Enclosures

cc: See next page

cc: Dr. Donald Benn, Executive Director
Navajo Nation Environmental Protection Agency

Ms. Eugenia Quintana, Environmental Department Manager
Air & Toxics Department
Navajo Nation Environmental Protection Agency

Ms. Sharon A. Pinto, Regional Director
Bureau of Indian Affairs, Navajo Nation