



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

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April 12, 2006

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Tom Butler
Bullock Contracting, LLC
P.O. Box 364
Boulder, MT 59632

Dear Mr. Butler:

Air Quality Permit #3223-01 is deemed final as of April 12, 2006, by the Department of Environmental Quality (Department). This permit is for the increase of the size of the generator at the facility as well as to permit additional equipment to be operated at the facility. All conditions of the Department's decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the Department,

David L. Klemp
Air Permitting Supervisor
Air Resources Management Bureau
(406) 444-3490

DK:lr
Enclosure

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
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FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued For: Bullock Contracting LLC
P.O. Box 364
Boulder, MT 59632

Permit Number: #3223-01

Preliminary Determination Issued: 03/09/06

Department Decision Issued: 03/27/06

Permit Final: 04/12/06

1. *Legal Description of Site:* Bullock submitted an application to operate a portable crushing/screening plant in Section 31, Township 6 North, Range 4 West, in Jefferson County, Montana. In addition, Permit #3223-01 would apply while operating at any location in the Montana, except within those areas having a Department approved permitting program or those areas in or within 10 km of certain PM₁₀ nonattainment areas.
2. *Description of Project:* The permit application requested an increase in the size of diesel generator, and the addition of equipment at the facility. Bullock would operate the portable crushing/screening plant that would consist of up to 5 portable crushers, up to 3 screens, up to 2 diesel generators and associated equipment. The process description would be discussed in the permit analysis Section I.B. of Permit #3223-01.
3. *Objectives of Project:* Bullock desires to increase business and revenue for the company. This objective could be met through operating the crushing/screening facility, to generate aggregate for sale and use. Bullock would be allowed to operate under this permit at various locations throughout Montana, excluding those areas that have a Department approved permitting program and those areas that require a permit addendum to operate (specifically, PM₁₀ nonattainment areas).
4. *Alternatives Considered:* In addition to the proposed action, the Department also considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality preconstruction permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because Bullock demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.
5. *A Listing of Mitigation, Stipulations, and Other Controls:* A listing of the enforceable permit conditions and a permit analysis, including a Best Available Control Technology analysis, would be contained in Permit #3223-01.
6. *Regulatory Effects on Private Property Rights:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined the permit conditions are reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.

7. The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The "no action alternative" was discussed previously.

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Terrestrial and Aquatic Life and Habitats			X			yes
B.	Water Quality, Quantity, and Distribution			X			yes
C.	Geology and Soil Quality, Stability, and Moisture			X			yes
D.	Vegetation Cover, Quantity, and Quality			X			yes
E.	Aesthetics			X			yes
F.	Air Quality			X			yes
G.	Unique Endangered, Fragile, or Limited Environmental Resource			X			yes
H.	Demands on Environmental Resource of Water, Air, and Energy			X			yes
I.	Historical and Archaeological Sites			X			yes
J.	Cumulative and Secondary Impacts			X			yes

Summary of Comments on Potential Physical and Biological Effects: The following comments have been prepared by the Department.

A. Terrestrial and Aquatic Life and Habitats

Terrestrials would use the same area as the crushing/screening operations. The crushing/screening operations would be small and temporary, so only minor effects to terrestrial life would be expected as a result of equipment operations or from pollutant deposition. Impacts on aquatic life could result from water usage, water runoff, and pollution deposition, but would be minor as the facility is a small and temporary source. The small amount of air emissions generated would correspond to an equally small amount of deposition.

B. Water Quality, Quantity, and Distribution

Water would be used for dust suppression on the surrounding roadways and areas of operation, in addition to being used for pollution control for equipment operations, but would only cause a minor disturbance to the area since only relatively small amounts of water would be needed. This water would be obtained from a well at the site. No surface water or ground water quality impacts are expected as a result of using water for dust suppression because only small amounts of water would be required. Any accidental spills or leaks from equipment would be required to be excavated and disposed of properly.

As described in Section 7.F of this EA, the maximum impacts from the air emissions from this facility would be relatively minor. As a result of low air impacts from this facility, the corresponding deposition of the air pollutants in the area would also be very minor. Additionally, the operations would be intermittent and seasonal in nature. Thus, the crushing/screening operations would only have minor impacts to water quality, quantity, and distribution.

C. Geology and Soil Quality, Stability, and Moisture

The geology and soil quality, stability, and moisture in the affected area would be impacted by the crushing/screening operations due to the construction and use of the crushing/screening facility. However, given the relatively small size and portable nature of the operation, and the fact that

operations would take place within a previously disturbed mine site, any impacts would be minor. In addition, as described in Section 7.F of this EA, the maximum impacts from the air emissions from this facility would be relatively minor. As a result of low air impacts from this facility, the corresponding deposition of the air pollutants in the area would also be minor. Some of the air emissions may deposit on local soils, but good dispersion within the area would minimize any air quality and soil quality impacts. In addition, previous disturbance to the area already exists due to past mining activity. Thus, the proposed facility would have minimal impacts to the geology and soil quality.

D. Vegetation Cover, Quantity, and Quality

The existing vegetation cover would be impacted by the emissions from the crushing/screening facility. However, given that the operations are relatively small in size and portable in nature, any impacts would be minor. As described in Section 7.F of this EA, the impacts of air emissions from this facility are minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor. Also, because the water usage is minimal, as described in 7.B, and the associated soil disturbance is minimal, as described in 7.C, corresponding vegetative impacts would also be minimal. Additionally, the proposed facility is in compliance with the NAAQS and MAAQS, so the vegetation would be protected against damage from any associated air pollutants. These standards are designed to be protective of both human health (through primary standards) and public welfare (through secondary standards), so the vegetation would be protected against damage from secondary standards for air quality.

E. Aesthetics

The crushing/screening operations would be visible and would create additional noise in the area. Permit #3223-01 would include conditions to control emissions, including visible emissions, from the plant. Since the crushing/screening operations are a small portable source, and would be located within an existing pit at a mine site, any visual and noise impacts would be minor.

F. Air Quality

The air quality impacts from the crushing/screening operations would be minor because Permit #3223-01 would include conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution. Additionally, the facilities size is small and the facility is considered a minor source of air pollution by industrial standards. Also, the facility is in an area where good dispersion will occur. Thus, the size and location of the facility would result in minimal air quality impacts.

The operations would be limited by Permit #3223-01 to total emissions of 250 tons/year or less from non-fugitive sources at the plant, in addition to any additional equipment at the site. However, because the facility is small, the amount of emissions that this facility has the potential to emit are far below any NAAQS or MAAQS values for air quality. Therefore, the plant would be allowed to operate at its maximum capacity without restrictions placed upon its designed maximum process rate. The plant would be required to use water spray to further reduce emissions from equipment operations, on storage piles, and haul roads. Additionally, any emissions that would be generated would have good dispersion after being emitted into the atmosphere due to factors such as wind speed and wind direction. The proposed site is an area where similar industrial disturbance has previously occurred, is an existing pit, and is in an area where any potential impacts would be minimal. Furthermore, the operation would have temporary and intermittent use, thereby further reducing potential air quality impacts from the facility. Therefore, any air quality impacts would be minimal.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department, in an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources in the proposed area of operation, contacted the Montana Natural Heritage Program (MNHP) to identify species of special concern associated with the proposed site location (Section 31, Township 6 North, Range 4 West, in Jefferson County, Montana). Search results concluded there is one such environmental resource that may be found within the defined area. The defined area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer.

The species of special concern has been identified as the Lynx. While this species may be found within the defined area, the proposed project site is within an area currently being used as an active site. Also, while the proposed site has been identified as "potential habitat" by the MNHP, the Lynx has never been reported as being sited on the proposed site location. Rather, this site has been included as potential habitat, included as part of a much larger generalized area of habitats that may contain the species of concern. Because of the current use of the proposed site and surrounding mine area, and the rarity of the species in question, it is highly unlikely that the species would inhabit this site. Furthermore, due to the minimal air emissions, the proposed project would have, at most, minor impacts on this unique endangered, fragile, or limited environmental resource.

H. Demands on Environmental Resource of Water, Air, and Energy

Due to the size of the facility, the crushing/screening operations would only require small quantities of water, air, and energy for proper operation. Small quantities of water would be used for dust suppression and would control emissions being generated at the site. Energy requirements would also be small, as the facility is a small crushing/screening operation powered by a small diesel generator. Air resources and subsequent impacts would also be minor because the source is a small and temporary source, with dispersion taking place within a disturbed industrial pit. Generally, the operations are seasonal, and would result in even smaller demands on the environmental resources of water, air, and energy. Any impacts, therefore, would be minor.

I. Historical and Archaeological Sites

The Department contacted the Montana Historical Society - State Historical Preservation Office (SHPO) in an effort to identify any historical and/or archaeological sites that may be present in the proposed area of construction/operation. Search results have concluded that there are multiple historical or archaeological resources of concern. However, most of these sites are historical properties within the mine site. According to past correspondence from the Montana State Historic Preservation Office, given the previous disturbance in the area, there would be a low likelihood of adverse disturbance to any known archaeological or historic site. Because the surrounding mine site is active and the proposed project site has previously been used for similar operations, it is unlikely that the operations would have an effect on any known historic or archaeological site. The chances of any impacts would, therefore, be minor.

J. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor cumulative and secondary environmental impacts to the physical and biological aspects of the human environment because the facility would generally have only seasonal, intermittent, and temporary use, and because the facility is considered a minor source of air pollutants by industrial standards. The facility would generate emissions of particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀), oxides of nitrogen (NO_x), volatile organic compounds (VOC), carbon monoxide (CO), and oxides of sulfur (SO_x). Noise would also be generated from the site, but

would cause minimal disturbance because the site is in an existing pit, on an existing mine site, in a remote location. Also, the noise generated would be muffled by the pit, which is developed into the surrounding hillside. There are other air emitting sources and equipment operations at the proposed site. Therefore, this facility, in combination with the other emissions from the site would not be allowed to exceed 250 tons per year of non-fugitive emissions. Additionally, any other permits for the existing site would already address their environmental impacts associated with their operations at the proposed site. The Department believes that this facility could be expected to operate in compliance with all applicable rules and regulations as would be outlined in Permit #3223-01. Further, the crushing/screening operation would be limited by Permit #3223-01 to total emissions of 250 tons per year or less from all non-fugitive emissions sources operated at any given site.

8. *The following table summarizes the potential economic and social effects of the proposed project on the human environment. The "no action alternative" was discussed previously.*

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Social Structures and Mores				X		yes
B.	Cultural Uniqueness and Diversity				X		yes
C.	Local and State Tax Base and Tax Revenue			X			yes
D.	Agricultural or Industrial Production			X			yes
E.	Human Health			X			yes
F.	Access to and Quality of Recreational and Wilderness Activities			X			yes
G.	Quantity and Distribution of Employment				X		yes
H.	Distribution of Population				X		yes
I.	Demands for Government Services			X			yes
J.	Industrial and Commercial Activity			X			yes
K.	Locally Adopted Environmental Plans and Goals				X		yes
L.	Cumulative and Secondary Impacts			X			yes

SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC AND SOCIAL EFFECTS: The Department has prepared the following comments.

A. Social Structures and Mores

The crushing/screening operation would cause no disruption to the social structures and mores in the area because the source is small and temporary. Additionally, the equipment would be located in a remote location, in a previously developed pit that has been cut into the mountainside at an active mine site. Thus, no native or traditional communities would be affected from the proposed project operations and no impacts upon social structures or mores to any surrounding communities would result.

B. Cultural Uniqueness and Diversity

The crushing/screening operations would have no impact on the cultural uniqueness and diversity of the area because the source is small and temporary and would be operating in a permitted open cut pit in a remote location. The nearest residence is over 1 mile away and the nearest town is Wickes, Montana, which is a small community that is approximately 2 ½ miles west.

Additionally, the facility is considered a minor source of emissions by industrial standards. Thus, the proposed operations are removed from the general population in the surrounding area and would be small, so impacts upon the cultural uniqueness and diversity of the area would not occur.

C. Local and State Tax Base and Tax Revenue

The crushing/screening operations would have little, if any, effect on the local and state tax base and tax revenue because the facility would be a temporary source and it is small by industrial standards. The facility operations would only require the use of five employees. Thus, only minor impacts to the local and state tax base and revenue could be expected. Furthermore, the impacts to local tax bases and revenue would be minor because the source would be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The crushing/screening operations would locate in a previously disturbed industrial area and are small by industrial standards (having only a minor impact on local industrial production). There would be no affects to agricultural land from operating the facility at a pit within the mine site. Also, the land surrounding the mine site is forested and mountainous terrain, not farmland, so no affects to agricultural land would occur.

E. Human Health

Permit #3223-01 would incorporate conditions to ensure that the crushing/screening facility would be operated in compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health. As described in 7.F., the air emissions from this facility would be minimized by the use of water spray and other emissions limits established in Permit #3223-01. Only minor impacts would be expected from this crushing/screening facility.

F. Access to and Quality of Recreational and Wilderness Activities

The crushing/screening operations would not affect access to recreational and wilderness activities in the area because the area surrounding operational site is currently an active mine site. Thus, no changes to recreational and wilderness activities, or access to those activities, are expected from operations of the crushing/screening facility. Additionally, noise from the facility would be minimal as the pit has been developed into an existing hillside. Also, the facility would be a small and temporary source. Thus, any changes in the quality of recreational and wilderness activities from noise, created by operating the equipment at the site, would be minor and intermittent.

G. Quantity and Distribution of Employment

The crushing/screening operations would not affect the quality and distribution of employment in the area because Bullock would only use five employees for the project. The facility is a small and temporary source, and no new employees are expected to be needed for the proposed project.

H. Distribution of Population

The crushing/screening operation is small. It would not disrupt the normal population distribution in the area because the site is 1 mile from the nearest household, in a sparsely populated area. Additionally, no new employees are expected to be used for the operation of the facility, as the facility is small and only requires five employees to operate the equipment. Thus, no new employees are expected to be utilized and no individuals would move to the area as a result of operating the crushing/screening facility. Therefore, the crushing/screening operations would not disrupt the normal population distribution in the area because of its size and temporary nature.

I. Demands of Government Services

Minor increases would be seen on traffic on existing roadways in the area while the crushing/screening operations are in progress. In addition, government services would be required for acquiring the appropriate permits from government agencies. Demands for government services would be minor.

J. Industrial and Commercial Activity

The crushing/screening operations would represent only a minor increase in the industrial activity in the given area because of the small size of the operations and the portable and temporary nature of the facility. No additional industrial or commercial activity is expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans or goals that would be affected by the proposed project. The state standards would protect the proposed site and the environment surrounding the site.

L. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area because the source is a portable, temporary source. Minor increases in traffic would have minor effects on local traffic in the immediate area, thus, having a direct effect on the social environment. Because the source is a relatively small, temporary source, only minor economic impacts to the local economy could be expected from the operation of the facility. Thus, minor cumulative effects would also result to the local economy.

Recommendation: An EIS is not required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: All potential effects resulting from construction and operation of the proposed facility are minor, therefore, an EIS is not required.

Other groups or agencies contacted or which may have overlapping jurisdiction: Department of Environmental Quality - Permitting and Compliance Division (Air Resources Management Bureau and Industrial and Energy Minerals Bureau); Montana Natural Heritage Program; and State Historic Preservation Office (Montana Historical Society).

Individuals or groups contributing to this EA: Department of Environmental Quality (Air Resources Management Bureau and Industrial and Energy Minerals Bureau), Montana Natural Heritage Program, and State Historic Preservation Office (Montana Historical Society).

EA prepared by: Julie Merkel

Date: March 6, 2006