



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

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March 25, 2008

Greg Baltrusch
Rock Solid Enterprises, Inc.
P.O. Box 1262
Havre, MT 59501

Dear Mr. Baltrusch:

The Department of Environmental Quality (Department) has made its decision on the air quality permit application for a portable wash plant. The application was given permit number 4197-00. The Department's decision may be appealed to the Board of Environmental Review (Board). A request for hearing must be filed by April 9, 2008. This permit shall become final on April 10, 2008, unless the Board orders a stay on the permit.

Procedures for Appeal: Any person jointly or severally adversely affected by the final action may request a hearing before the Board. Any appeal must be filed before the final date stated above. The request for a hearing shall contain an affidavit setting forth the grounds for the request. Any hearing will be held under the provisions of the Montana Administrative Procedures Act. Submit requests for a hearing in triplicate to: Chairman, Board of Environmental Review, P.O. Box 200901, Helena, Montana 59620.

Conditions: See attached.

For the Department,

Vickie Walsh
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-3490

VW:ob
Enclosure

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air Resources Management Bureau
1520 East Sixth Avenue
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FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued To: Rock Solid Enterprises, Inc.

Air Quality Permit Number: #4197-00

Preliminary Determination Issued: 03/06/08

Department Decision Issued: 3/25/08

Permit Final:

1. *Legal Description of Site:* Rock Solid Enterprises, Inc. (Rock) operates a portable wash plant initially located in the S½ of Section 26, Township 33 North, Range 16 East in Hill County. Permit #4197-00 applies while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program, or areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.*
2. *Description of Project:* For a typical operation, Rock proposes to use this wash plant and associated equipment to wash aggregate for use in various construction operations. For a typical operation setup, materials are loaded into the feeder, conveyed to the wash plant, screened and conveyed to stockpile for sale and use in construction operations.
3. *Objectives of Project:* The object of the project would be to produce business and revenue for the company by the sale and use of aggregate. The issuance of Permit #4197-00 would allow Rock to operate the permitted equipment at various locations throughout Montana.
4. *Additional Project Site Information:* Although this permit is designated as portable, the initial site location would be S½ of Section 26, Township 33 North, Range 16 East in Hill County. Due to the size and the nature of this project, and the fact that this location will serve as Rock's home pit, this project was required to obtain a permit through the Industrial and Energy Minerals Bureau (IEMB). An extensive environmental assessment would be located in the Mined Land Reclamation Permit for this specific site.
5. *Alternatives Considered:* In addition to the proposed action, the Department 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 Rock demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.
6. *A Listing of Mitigation, Stipulations, and Other Controls:* A listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in Permit #4197-00.

7. *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 would be reasonably necessary to ensure compliance with applicable requirements and to demonstrate compliance with those requirements and would not unduly restrict private property rights.
8. 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

There is a possibility that terrestrials would use the same area as the wash plant. Impacts on terrestrial and aquatic life could result from storm water runoff and pollutant deposition, but such impacts would be minor because the plant operation would be considered a minor source of emissions, and would have intermittent and seasonal operations. Furthermore, the air emissions would have only minor effects on terrestrial and aquatic life because facility emissions would be well dispersed in the area of operation (see Section 8.F of this EA). Therefore, only minor and temporary effects to terrestrial and aquatic life and habitat would be expected from this operation.

B. Water Quality, Quantity, and Distribution

Water would be required for dust suppression on the surrounding roadways and at areas of operation for equipment pollution control. However, pollution control for portions of the plant could be accomplished using a small volume of water and therefore, only minor amounts of pollutant deposition would occur. Any pollutant deposition in the area would be seasonal and intermittent given the portable nature of the wash plant. Stormwater runoff from the operation

may end up in an on-site pond that is used for the wash plant. This pond functions as a settling pond, although overflow may leave the property during high rain events and potentially impact downstream aquatic life. However, the site is relatively flat and minimal water runoff would be expected to occur. Therefore, only minor surface and groundwater quality impacts would be expected.

C. Geology and Soil Quality, Stability, and Moisture

The proposed project would have minor impacts on geology and soil quality, stability and moisture because deposition of air pollutants on soils would be minor (see Section 8.F of this EA). Only minor amounts of water would be required for pollution control, and only minor amounts of pollution would be generated. Pollutants would be widely dispersed before settling upon vegetation and surrounding soils (see Section 8.D of this EA). Therefore, any effects upon geology and soil quality, stability, and moisture at this proposed operational site would be minor and short-term.

D. Vegetation Cover, Quantity, and Quality

Minor impacts would occur on vegetative cover, quality, and quantity because the facility would operate in an area where vegetation has been previously disturbed and the facility would be a small industrial operation. The facility would be a relatively minor source of emissions and the pollutants would be greatly dispersed (as described in Section 8.F); therefore, deposition on vegetation from the proposed project would be minor. Water usage would be minimal (as described in Section 8.B) and the associated soil disturbance from the application of water and water runoff would be minimal (as described in Section 8.C) and therefore, the corresponding vegetative impacts would be minor.

E. Aesthetics

The wash plant's operation would be visible, and would create additional noise. According to the applicant, there are two houses located approximately 1000 feet away, and the town of Havre is approximately 3.5 miles away. The wash plant would operate at an existing gravel pit and would include conditions to control emissions, including visible emissions from the plant. Since the plant would operate on an intermittent and seasonal basis, any visual aesthetic impacts would be minor and short-lived.

F. Air Quality

Air quality impacts from the proposed project would be minor because the facility would be relatively small, would operate on an intermittent and temporary basis, and would locate in a previously disturbed site. In addition, Permit #4197-00 would include conditions limiting the facility's opacity and water would be required on-site at all times to control emissions. The permit would also limit total emissions from the plant and any additional Rock equipment operated at this site to 250 tons/year or less, excluding fugitive emissions.

Further, the Department determined that the wash plant would be a minor source of emissions as defined under the Title V Operating Permit Program because the source's PTE is below the major source threshold level of 100 tons per year for any regulated pollutant. Pollutant deposition from the facility would be minimal because pollutants emitted would be widely dispersed (from factors such as wind speed and wind direction) and would have minimal deposition on the surrounding area (due to site topography of the area and minimal vegetative cover in the area). Therefore, air quality impacts from operating the wash plant in this area would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department contacted the Montana Natural Heritage Program (MNHP) to identify any species of concern associated with the initial proposed site location (S ½ of Section 26, Township 33 North, Range 16 East in Hill County, Montana). The search results concluded there is one species of special concern within 0.75 miles of the site: Sander canadensis, which is a fish known as a "Sauger". The Milk River is habitat for the Sauger, which is listed as "sensitive" by the Bureau of Land Management (BLM). Based on the small size and temporary nature of equipment operations and the minimal disturbance to the environment (water, air, and soils) that would occur in the area of operation; the Department determined that only minor impacts to any unique endangered, fragile, or limited environmental resources would be expected to occur.

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

Only small quantities of water would be required for dust suppression of emissions being generated at the site. Impacts to air resources would be minimal because the source would be considered a minor industrial source of emissions, with intermittent and seasonal operations. Because air pollutants generated by the facility would be widely dispersed (see Section 8.F of this EA) and energy requirements would be provided by land power or a diesel generator (in the event of a power outage), any impacts to water, air, and energy resources 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 operation. Search results concluded that there are no previously recorded historical or archaeological resources of concern within the area proposed for initial operations. Therefore, no impacts upon historical or archaeological sites would be expected as a result of operating the proposed wash plant.

J. Cumulative and Secondary Impacts

The wash plant would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would be limited in the amount of PM, and PM₁₀ emissions generated. Emissions and noise generated from the equipment would, at most, result in only minor impacts to the area of operation because it would be seasonal and temporary in nature. Additionally, this facility, in combination with other emissions from equipment operations would not be permitted to exceed 250 tons per year of non-fugitive emissions. Overall, cumulative and secondary impacts to the physical and biological aspects of the human environment would be minor.

9. 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 following comments have been prepared by the Department.

A. Social Structures and Mores

The wash plant would cause no disruption to the social structures and mores in the area because the source would be considered a minor industrial source of emissions, and would have temporary and intermittent operations. Further, the facility would be required to operate according to the conditions placed in Permit #4197-00, which would limit the effects to social structures and mores.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of this area would not be impacted by the wash plant because the facility would be a portable source, with seasonal and intermittent operations. The predominant use of the surrounding area (existing operational pit) would not change as a result of this wash plant. Therefore, the cultural uniqueness and diversity of the area would not be affected.

C. Local and State Tax Base and Tax Revenue

The wash plant would have little, if any, impact on the local and state tax base, and tax revenue because the facility would be a minor industrial source of emissions, and would have seasonal and intermittent operations. Only minor impacts to the local and state tax base and revenue could be expected from the employees and facility production. According to the applicant approximately 5-6 people would be employed as a result of this wash plant. Because the facility is portable and temporary, it is unlikely that people would move to the area. Impacts to local and state tax base and revenue would be minor and short-term because the source would be portable, and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The initial site for the wash plant would be located on an existing operational gravel pit and according to the applicant the total property available would be 40 acres. The wash plant operation would have only a minor impact on local industrial production since the facility would be considered a minor source of concrete production and air emissions. Also, the portable facility would generally locate in a rural area. Minimal deposition of air pollutants would occur on the surrounding land (see Section 8.F of this EA) and only minor and temporary effects on the surrounding vegetation would occur. In addition, the facility operations would be temporary in nature and would be permitted with operational conditions and limitations that would minimize impacts upon surrounding vegetation (see Section 8.D of this EA). Overall, the impacts to agricultural or industrial production would be minor.

E. Human Health

Permit #4197-00 would incorporate conditions to ensure that the wash plant operation would operate in compliance with all applicable air quality rules and standards. These rules and standards are designed to protect human health. Air emissions from this facility would be minimized by the use of water and other process limits that would be required by Permit #4197-00. Because the facility would operate on a temporary basis and pollutants would be widely dispersed, only minor impacts would be expected on human health from the wash plant operation.

F. Access to and Quality of Recreational and Wilderness Activities

Access to recreational opportunities would not be limited by this facility. All recreational opportunities, if available in the area, would still be accessible. Noise from the facility would be minimal to surroundings because of the facility size, hours of operation, and rural location. The facility would operate on a seasonal and intermittent basis on private land and would be a minor industrial source of emissions. Therefore, any changes in the quality of recreational and wilderness activities created by operating the equipment at this site would be minor.

G. Quantity and Distribution of Employment

According to the applicant, the plant operation would require approximately 5-6 employees. The wash plant would be relatively small, would have seasonal and intermittent operations, and would only require a few employees to operate. No individuals would be expected to permanently relocate to this area of operation as a result of operating the screening facility. Therefore, only very minor effects upon the quantity and distribution of employment in this area would be expected.

H. Distribution of Population

The wash plant is a portable industrial facility that would require few employees to operate. Few individuals, if any, would be expected to permanently relocate to this area. Therefore, the wash plant would only minimally impact the normal population distribution in the initial area of operation or any future operating site.

I. Demands of Government Services

This project would result in an increase in traffic on existing roadways while the wash plant is in progress. Government services would be required for acquiring the appropriate permits for the proposed project, and to verify compliance with the permits that would be issued. However, any increase or demand for government services would be minor given the temporary and portable nature of the project.

J. Industrial and Commercial Activity

The wash plant is located in an area that was previously used for this activity and the area is previously disturbed. The wash plant would represent only a minor increase in the industrial activity in the proposed area of operation because this source is a relatively small industrial source that would be portable and temporary in nature. Other than the associated facilities also holding a Montana Air Quality Permit that would locate in this area (Permits #4196, 4198, 4199), no additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

Permit #4197-00 would contain limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards, as a locally adopted environmental plan or goal for operating at this proposed site. Because the facility would have intermittent and seasonal operations any impacts from the facility would be minor and short-lived.

L. Cumulative and Secondary Impacts

The wash plant would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area of operation because the source would be portable and temporary. Further, few industrial operations, if any, would be expected to result from permitting this facility. Any minor increase in traffic would have little effect on local traffic in the immediate area. Because the source would be relatively small and temporary, only minor economic impacts to the local economy would be expected from operating the facility. Further, this facility may be operated in conjunction with other equipment owned and operated by Rock, but any cumulative impacts upon the social and economic aspects of the human environment would be minor and short-lived. Thus, only minor and temporary cumulative and secondary effects would result.

Recommendation: An Environmental Impact Statement (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 and temporary; therefore, an EIS is not required.

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

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

EA prepared by: Jenny O'Mara
Date: February 22, 2008