



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

July 1, 2008

Ms. Kathy Remp
Remp Sand and Gravel, Inc.
238 Remp Extension Road
Libby, MT 59923

Dear Ms. Remp:

The Department of Environmental Quality (Department) has made its decision on the Montana Air Quality Permit application for a portable crushing & screening plant. The application was given permit number 3029-03. The Department's decision may be appealed to the Board of Environmental Review (Board). A request for hearing must be filed by July 16, 2008. This permit shall become final on July 17, 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

Christine A. Weaver
Air Quality Specialist
Air Resources Management Bureau
(406) 444-5287

VW:cw:vs
Enclosures

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air and Waste Management Bureau
P.O. Box 200901, Helena, Montana 59620
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued For: Remp Sand and Gravel, Inc.
338 Remp Extension
Libby, MT 59923

Air Quality Permit Number: #3029-03

Preliminary Determination Issued: 05/29/08

Department Decision Issued: 07/01/08

Permit Final:

1. *Legal Description of Site:* The plant would initially locate at the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West, in Lincoln County, Montana. Permit #3029-03 would apply while operating in any location in Montana, except within those areas having a Department-approved permitting program and areas considered to be tribal lands. *A Missoula County air quality permit would be required for all locations within Missoula County, Montana.* Addendum 4 to this air quality permit applies for locations in or within 10 km of certain PM₁₀ nonattainment areas.
2. *Description of Project:* This permit and Addendum would allow the operation of a portable crushing/screening facility in or within 10 km of the following PM₁₀ NAAs: 1) During the summer months (April 1 through September 30): Libby, Kalispell, Whitefish, Columbia Falls, Thompson Falls, and Butte and 2) During the winter months (October 1 through March 31) at the West ½ of the East ¼ of Section 34, Township 31 North, Range 31 West, in Lincoln County, Montana or at any site that may be approved by the Department, in writing.
3. *Objectives of Project:* This crushing/screening operation would be used in conjunction with current sand and gravel operations performed by Remp. The proposal would allow Remp to generate business and revenue for the company.
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 Remp 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 Mitigations, Stipulations and Other Controls:* A list of enforceable conditions would be contained in Permit #3029-03. More stringent operational limitations, applicable to operating in or within 10 km of certain PM₁₀ NAA's would be contained in Addendum 4.
6. *Regulatory Effects on Private Property:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined that the permit conditions would be 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 has been discussed previously.

Potential Physical and Biological Environment							
		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 areas in which the crushing/screening operations occur. However, the crushing/screening operations would be small and temporary, so only minor effects to terrestrial life would be expected. Also, because this source would operate in an existing permitted gravel pit, on a temporary basis, only minimal effects upon terrestrial life would occur.

Impacts upon aquatic life in the area would also result, but would be minor, as the facility is a small and temporary source that would be located greater than 100 meters from the nearest stream (the Kootenai River). Dispersion of the pollutants would, therefore, be sufficient as to protect the aquatic life from pollutant deposition. Also, the area in question is an existing gravel pit permitted through the Industrial and Energy Minerals Bureau. Thus, only minor impacts upon terrestrial and aquatic life are expected.

B. Water Quality, Quantity, and Distribution

Although there would be an increase in air emissions in the area where the crushing/screening operations operate, there would be little, if any impacts on the water quality, quantity, and distribution because of the relatively small size and temporary nature of the operation. While deposition of pollutants would occur, the Department determined that any impacts from deposition of pollutants would be minor. As described in Section 7.F of this EA, due to the conditions placed in Permit #3029-03 and Addendum 4, the maximum impacts from the air emissions of this facility would be relatively minor.

Water would be required for air pollution control, but would only cause a minor disturbance to the area. No surface water or ground water quality problems are expected as a result of using water for pollution control because only small amounts of water would need to be used. Furthermore, any accidental spills or leaks from equipment would be required to be handled according to the appropriate environmental regulations in an effort to minimize any potential adverse impact on the immediate and surrounding area. Thus, the crushing/screening plant would have only minor impacts to water quality, quantity, and distribution.

C. Geology and Soil Quality, Stability and Moisture

There would be minor impacts to the geology and soil quality, stability, and moisture near the crushing/screening area due to increased vehicle traffic, the use of water to control dust, and deposition of pollutants from the crushing/screening operation. As explained in Section 7.F of this EA, the relatively small size and temporary nature of the operation, previous industrial disturbance at the site, and conditions placed in Permit #3029-03 and Addendum 4, would minimize the emissions from the facility. As a result, deposition and water used to control pollution emissions would result in only minor disturbance to the soil.

D. Vegetation Cover, Quantity and Quality

There would be minor impacts on the vegetative cover, quantity, and quality, because small amounts of vegetation would likely be disturbed from the crushing/screening operation. In addition, pollutant deposition would occur on the surrounding vegetation. However, as explained in Section 7.F of this EA, the Department determined that, due to the relatively small size and temporary nature of the operation, the previous industrial disturbance at the site location, and conditions placed in Permit #3029-03 and Addendum 4, any impacts from deposition of pollutants would be minor. Also, because the water usage would be minimal (as described in Section 7.B) and the associated soil disturbance would be minimal (as described in Section 7.C) corresponding vegetative impacts would also be minimal.

E. Aesthetics

The crushing/screening operations would be visible and would create additional noise in the area of operation. Permit #3029-03 would include conditions to control emissions, including visible emissions, from the plant. Since the crushing/screening operations are small and temporary, any aesthetic impacts would be minimal.

F. Air Quality

The air quality emissions impacts from the crushing/screening operations would be minor because Permit #3029-03 would include conditions limiting the opacity from the plant, requiring water spray bars and other means to control air pollution, and limiting the annual hours of operation for the diesel-fired engines. In addition, Addendum 4 to Permit #3029-03 would include more stringent limitations for any operations taking place in or within 10 km of certain PM₁₀ NAAs in Montana.

The operations would be limited by Permit #3029-03 to total emissions of 250 tons/year or less from non-fugitive sources at the plant, in addition to any other equipment at the site. However, since the facilities potential emissions are restricted to well below 100 tons/year for any pollutant generated, the facility is recognized as a synthetic minor source of air pollution.

The plant would be required to use water spray to further reduce emissions from equipment operations, storage piles, and haul roads. Plant emission and emissions from the operational site would be limited to 10% opacity while operating in or within 10 km of the previously identified PM₁₀ NAAs.

G. Unique Endangered, Fragile or Limited Environmental Resources

The Department previously contacted the Montana Natural Heritage Program (MNHP) in an effort to identify any species of special concern that may be found in the proposed area. Area, in this case, will be defined by the township and range of the proposed site, with an additional 1-mile buffer. Search results concluded there are (5) such environmental resources in the area. The species of special concern include the Bald Eagle, Geyer's Biscuitroot, Interior Redband Trout, Lynx, and Bull Trout. Since modifications in Permit #3029-03 allows the use of additional processing equipment, but does not change the site location or extent, the previous review was determined to be adequate by the Department.

The site is greater than 100 meters from the nearest stream, a typical buffering zone for the fish identified. Therefore, it is not expected that Bull Trout and Interior Red Band Trout would be effected by the proposed operations. Any effects to the Geyer's Biscuitroot, would be minor and temporary, as a result of the operating the crushing/screening plant. The facility would be operating in an existing permitted gravel pit, approximately 1 mile away from the nearest occurrence of any subpopulation. The source would also have seasonal, intermittent, and temporary use at the site and would be a small facility.

The area of operation lies within the boundaries of a large contiguous area that has been identified as potential Lynx habitat. The area is an existing permitted gravel pit that is already utilized for such operations and is approximately 3/4 of a mile from Highway 2 and the town of Libby. Because the area surrounding the site is used for industrial purposes and is surrounded by frequently used roadways, it is not anticipated that the site would be frequented by the Lynx, and would have an effect upon the Lynx. Therefore, any effects would be minor.

The crushing/screening operations are approximately 2 miles away from the eagle nesting site. While this distance is within 2.5 miles of the nest, an area identified as a home range radius for the species (1994 Bald Eagle Management Plan), it would not be within a 0.25 mile nesting site buffer zone or within a 0.5 mile primary use zone. Because the site has been previously used for such operations and the site is near the town of Libby and Highway 2, any effects would be minimal and short-lived.

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

The crushing/screening operations would only require small quantities of water, air, and energy for proper operating, due to the size of the facility. Small amounts of water would be used for dust control from the equipment, the stockpiles, and the associated haul roads. Further, as described in Section 7.F. of this EA, pollutant emissions generated from the facility would have minimal impacts on air quality in the immediate and surrounding area. Energy demands to operate the facility would be minor because the operation would consist of a relatively small equipment and because the operations would be intermittent. Generally, the operations are seasonal, which results in smaller demands on the environmental resources. Any impacts, therefore, would be minor.

I. Historical and Archaeological Sites

The Montana Historical Society (MHS) was previously contacted in an effort to identify any historical or archaeological site that may be affected by the proposed crushing/screening operation. Search results did indicate that several previously recorded historic sites are located within Section 34, Township 31 North, Range 31West, in Lincoln County, Montana. However, the proposed project is to crush and screen rock material within a previously

disturbed industrial site. According to past correspondence from the Montana State Historic Preservation Office, there is low likelihood of adverse disturbance to any known archaeological or historic site given the previous industrial disturbance in the area. Therefore, it is unlikely that the operation proposed in this permit modification will have an adverse effect on any known historic or archaeological site.

J. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor effects to the physical and biological environment. There is potential for other operations to locate at this site. However, any operations would have to apply for and receive the appropriate permits from the Department prior to operation. These permits would address the environmental impacts associated with the operations at the proposed site. The crushing/screening operations would be limited by Permit #3029-03 to total emissions of 250 tons/year or less from non-fugitive crushing/screening operations and any other additional equipment used at any given site. In addition, Addendum 4, to Permit #3029-03, would outline specific conditions and restrictions applicable to operation in or within 10 km of certain PM₁₀ NAAs.

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

Potential Social and Economic Effects							
		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 SOCIAL AND ECONOMIC EFFECTS: The following comments have been prepared by the Department:

A. Social Structures and Mores

The crushing/screening operation is small and temporary, and would cause no disruption to native or traditional lifestyles or communities to the area of operation because the facility would not be generating any materials that are foreign to the existing environment (crushed rock), would be operating on an intermittent and seasonal basis, and would be operating in an area already designated and used for such purposes.

B. Cultural Uniqueness and Diversity

The crushing/screening operations would not have an impact on the cultural uniqueness and diversity of the proposed area of operation because the area has been previously designated and used for such operations. Furthermore, the facility would be a small and temporary source.

C. Local and State Tax Base and Tax Revenue

The proposed crushing/screening operations would have little, if any, affect on local and state tax base and tax revenue. The facility would be a relatively small and temporary source and therefore, would not remain at any individual site for an extended period of time. No full time, permanent employees would be added as a result of issuing Permit #3029-03, although two temporary employees may be added if full operation is reached. Also, any revenue created by the crushing/screening operation in a particular area would last for only a relatively short time period.

D. Agricultural or Industrial Production

The crushing/screening operations would initially take place at Section 34, Township 31 North, Range 31 West, in Lincoln County; a previously disturbed industrial area. Therefore, the permitted operation would not affect or displace any agricultural land. Additionally, because deposition of pollutants would be minimal (as explained in Section 7.F of this EA) and because the facility is located in an industrial area, any impacts upon industrial production would be minimal. Further, the crushing/screening operations are small by industrial standards and, thus, would have only a minor impact on industrial activity in the area.

E. Human Health

Permit #3029-03 and Addendum 4 would incorporate conditions to ensure that the crushing/screening operations would be operated in compliance with all applicable air quality rules and standards. These standards are designed to be protective of human health. As described in Section 7.F, the air emissions from this facility would be minimized by water spray and opacity limitations on the facility and surrounding operational area. Therefore, any associated impacts to human health would be minor.

F. Access to and Quality of Recreational and Wilderness Activities

The crushing/screening operations would not affect any access to recreational and wilderness activities. However, minor effects on the quality of recreational activities would be created by the noise from the site. Any impacts would be temporary, due to the portable nature of the crushing/screening operations and because of the presence of Highway 2 and other industrial activities within the area.

G. Quantity and Distribution of Employment

Given the relatively small size and temporary nature of the operation, the activities from the crushing/screening operations would not affect the quantity and distribution of employment in the area. No full time, permanent employees would be expected to be added as a result of issuing Permit #3029-03 and Addendum 4.

H. Distribution of Population

Given the relatively small size and temporary nature of the operation, the activities from the crushing/screening operations would not affect the normal population distribution in the area. Additionally, no additional employees are expected to be hired as a result of issuing Permit #3029-03 and Addendum #4. Therefore, the distribution of population in the area would not be affected.

I. Demands of Government Services

Minor increases would be seen in traffic on existing roads 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 any given area. No additional industrial or commercial activity would result from the crushing/screening operations.

K. Locally Adopted Environmental Plans and Goals

The areas proposed as potential operating sites include designated as PM₁₀ NAA. Therefore, the Department has modeled the facility, based on "worst case" PM₁₀ emissions from the facility. The Department used the modeling results to evaluate potential effects on air quality and establish the appropriate emissions limitations and conditions to protect the ambient air quality in this NAA. The limitations would protect the proposed site and environment surrounding the site.

L. Cumulative and Secondary Impacts

The crushing/screening operations would cause a minor effect on the social and economic aspect of the human environment. The economic aspect would be affected, temporarily, by sand and gravel sales and fuel sales for generator operations. The social aspect would be affected by the production of sand and gravel materials that would be used to service the local residence, which would typically include improving transportation routes.

Recommendation: No Environmental Impact Statement (EIS) is required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: Because this plant is a relatively small source and air pollution controls will be used, no significant impacts are expected. Permit #3029-03 and Addendum 4 include conditions and limitations that, if properly applied, would safeguard the environment surrounding the proposed crushing/screening operation.

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, State Historic Preservation Office (Montana Historical Society).

Individuals or groups contributing to this EA: Department of Environmental Quality – Permitting and Compliance Division (Air Resources Management Bureau) and previous information from the Montana Natural Heritage Program and State Historic Preservation Office (Montana Historical Society).

EA prepared by: Christine Weaver

Date: May 2, 2008