Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
P. O. Box 200901 Helena, MT 59620-0901 (406) 444-2544 Website: www.deq.mt.gov

PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: February 20, 2009

Name of Applicant: Riverside Contracting, Inc.

Source: Portable Drum Mix Asphalt Plant with Associated Equipment

Proposed Action: The Department of Environmental Quality (Department) proposes to issue a permit, with conditions, to the above-named applicant. The application was assigned Permit Application Number 2561-04.

Proposed Conditions: See attached.

Public Comment: Any member of the public desiring to comment must submit such comments in writing to the Air Resources Management Bureau (Bureau) of the Department at the above address. Comments may address the Department's analysis and determination, or the information submitted in the application. In order to be considered, comments on this Preliminary Determination are due by March 23, 2009. Copies of the application and the Department's analysis may be inspected at the Bureau's office in Helena. For more information, you may contact the Department.

Departmental Action: The Department intends to make a decision on the application after expiration of the Public Comment period described above. A copy of the decision may be obtained at the above address. The permit shall become final on the date stated in the Department's Decision on this permit, unless an appeal is filed with the Board of Environmental Review (Board).

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 by the date stated in the Department's Decision on this permit. 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, MT 59620.

For the Department,

Vickie Walsh

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

Ed Warner

Ed Warner
Environmental Engineer
Air Resources Management Bureau
(406) 444-2467

VW:EW
Enclosures

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

DRAFT ENVIRONMENTAL ASSESSMENT (EA)

Issued To: Riverside Contracting, Inc.

Air Quality Permit number: #2561-04

Preliminary Determination Issued: February 20, 2009
Department Decision Issued:
Permit Final:

1. *Legal Description of Site*: The equipment listed in permit #2561-04 is currently located in the SE¼ of Section 22, Township 13 North, Range 11 West, in Powell County.

2. *Description of Project*: Riverside owns and operates an existing portable asphalt drum mixer with a maximum production capacity of 400 TPH at various locations across Montana. The current permit action is to add a diesel-powered engine/generator to an existing asphalt plant. The size of the diesel engine associated with this permitting action is 1,071 hp.

3. *Objectives of Project*: The objective of this permitting action would be for Riverside to update the equipment inventory of their existing plant to include a diesel engine/generator up to 1,071 hp. The issuance of Permit #2561-04 and Addendum 3 would allow Riverside to operate the permitted engine at various locations throughout Montana, including the current location.

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 Riverside has 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 list of enforceable conditions, including a BACT analysis, would be included in Permit #2561-04 and Addendum 3.

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 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 Resources			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 project. Impacts on terrestrial and aquatic life could result from storm water runoff and pollutant deposition, but such impacts would be minor because the diesel-powered engine/generator 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 the engine's operation.

B. Water Quality, Quantity and Distribution

Adding the engine/generator to this existing asphalt plant would not cause an increase in water consumption. Any pollutant deposition in the area would be seasonal and intermittent given the portable nature of the engine. There would be no additional impacts to water resources and therefore, no 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 pollution would be generated. Pollutants would be widely dispersed before settling upon vegetation and surrounding soils (see Section 8.D of this EA). According to the applicant, Riverside will not disturb any new soils because the engine/generator would be located at an existing site. 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

The facility would be considered a minor source of emissions by industrial standards and would typically operate in areas previously designated and used for this type of operation. Minor impacts would occur on vegetative cover, quality, and quantity because this facility would be operating on an intermittent and temporary basis. Pollutants would be greatly dispersed and corresponding deposition on vegetation from the proposed project would be minor. Montana Natural Heritage Program (MNHP) noted that there are no known vegetative species of concern at the proposed location. Therefore, given the temporary and portable nature of the engine located at the existing asphalt plant, and the fact that there are no known vegetative species of concern, and that pollutants would be widely dispersed; minor impacts to vegetative cover, quantity and quality would occur as a result of this project.

E. Aesthetics

The engine/generator at the asphalt plant operation would be visible, and would create additional noise. Permit #2561-04 and Addendum 3 would include conditions to control emissions, including visible emissions from the engine/generator. Since the generator associated with the asphalt plant would be portable, and 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 diesel-powered engine/generator would be minor because they would operate on an intermittent and temporary basis. In addition, Permit #2561-04 and Addendum 3 would include conditions limiting the facility's opacity and the facility's hours of operation.

Further, the Department determined that the asphalt plant, even with the addition of the engine, would remain a minor source of emissions as defined under the Title V Operating Permit Program because the source's PTE would be limited below the major source threshold level of 100 tons per year for any regulated pollutant. Pollutant deposition from the engine 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 diesel-powered engine/generator at the existing asphalt plant would be minor.

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 contacted MNHP. Search results concluded there are seven known vertebrate animal species of concern located within three miles of the facility. The search area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer. The MNHP concluded that the endangered species of gray wolf and threatened species of bald eagle could be potentially located near the current site location. Also identified as species of concern that could possibly occupy the same area as the plant were the Columbian sharp-tailed grouse, olive-sided flycatcher, brewer's sparrow, bobolink, and bull trout.

In the mid-to-late 1980s, in an effort to restore wolf populations, the gray wolf was reintroduced into three recovery areas – Northwestern Montana, Central Idaho, and the Greater Yellowstone. Although the initial project area is within the wolf recovery area, the wolf exhibits no particular habitat preference except wolves usually occupy areas with few roads and human disturbance, so it is unlikely that wolves would be impacted by this project.

The Bald Eagle is found primarily in forested areas along rivers and lakes--especially during breeding season. However, nesting site selection is dependent upon food availability and disturbance from human activity. The current location of the asphalt plant would be located in an existing pit approximately 0.5 mile west of Helmville in Powell County. To determine the impact on the local bald eagle population, the Department consulted the U.S. Department of Interior, Bureau of Reclamation Montana Bald Eagle Management Plan (MBEMP). With the MNHP-identified nest being approximately 2.5 miles or more away from the Riverside facility, the site would fall outside the MBEMP nest site management zone classifications (Zone III is classified as the area from 0.5 mile to 2.5 miles in radius from the nest site, Zone II from 0.25 to 0.5 miles, Zone I from 0 to 0.25 miles). Outside of the nest site management zone is considered foraging habitat and may extend well beyond the 2.5 mile radius of Zone III. Management of the foraging areas includes protection from contaminants and physical hazards, management of prey base and human activity plus consideration of other factors which would compromise the ability of the bald eagles to forage effectively and safely. The nest locations would remain unchanged by the facility operation, except for a possible cumulative minor impact by air pollutants (by the facility as a whole), as described in Section 7.F of this EA. The proposed change would not impact the nest area except a possible impact from the slight increase in air pollutants. Therefore, the impact on bald eagles is expected to be minor.

The operation of this diesel engine/generator would result in the emissions of air pollutants that could result in impacts to these species of concern. However, given the temporary and portable nature of the operations, any impacts would be minor and short-lived. Additionally, operational conditions and limitations within Permit #2561-04 and Addendum 3 would aid in the protection of these resources by protecting the surrounding environment. Therefore, air quality impacts from operating the diesel powered generator at the asphalt plant would be minor.

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

The operation of the diesel-powered engine/generator at the portable asphalt plant would not require any water. 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 engines would be widely dispersed (see Section 8.F of this EA) and energy requirements would be provided by a diesel engine, and water use would be minimal, 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 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 operation. According to correspondence from the SHPO, there would be a low likelihood of adverse disturbance to any known archaeological or historic site given previous industrial disturbance to the area. Therefore, no impacts upon historical or archaeological sites would be expected as a result of operating the engine at the existing asphalt plant. However, if cultural materials are discovered during this project the Montana Historical Society should be contacted.

J. Cumulative and Secondary Impacts

Operation of the engine/generator would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because they are located at an existing asphalt plant and would be limited in the amount of PM, PM_{10}, NO_x, VOC, CO, and SO_x 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.

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 following comments have been prepared by the Department.

A. Social Structures and Mores

The addition of the engine/generator at the asphalt 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 #2561-04 and Addendum 3, 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 operation of the engine/generator at the asphalt plant because the facility would be a portable source, with seasonal and intermittent operations. The predominant use of this area would not change as a result of adding an engine to the current permit. Therefore, the cultural uniqueness and diversity of the area could experience minor impacts.

C. Local and State Tax Base and Tax Revenue

Operation of the engine/generator would have little, if any, impact on the local and state tax base and tax revenue because the source 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. The addition of the engine/generator would not require additional employees. Because the facility would be portable and temporary it is unlikely that people would move to the area as a result of this project. Impacts to local 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 diesel engine would not have an impact on local industrial production since the engine operation would be minimal and emissions from the engine would be minor. 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 (i.e. agricultural production) would occur. In addition, the engine's operation 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 #2561-04 and Addendum 3 would incorporate conditions to ensure that operation of the engine/generator would be 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 limited by the hours of operation. Because the engine would operate on a temporary basis, and pollutants would be widely dispersed, only minor impacts would be expected on human health from this operation.

F. Access to and Quality of Recreational and Wilderness Activities

Access to recreational opportunities would not be limited by the operation of the diesel-powered generator. All recreational opportunities, if available in the area, would still be accessible. Noise from the facility would be minimal to surroundings because of the limited 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

Operation of the diesel engine/generator would not require any additional employees. Other employees that would be associated with the asphalt plant would be a transient (i.e. truck drivers for aggregate, mineral filler, asphalt cement, load out, etc.). Because the operation would be seasonal, no individuals would be expected to permanently relocate as a result of operating the diesel engine. Therefore, no effects upon the quantity and distribution of employment in this area would be expected.

H. Distribution of Population

The operation of the engine/generator at the associated asphalt plant would be considered a portable industrial facility and would require few employees to operate. No individuals would be expected to permanently relocate to this area. Therefore, the operation would not impact the normal population distribution in the initial area of operation or any future operating site.

I. Demands for Government Services

The addition of the diesel powered engine/generator to the existing asphalt plant would cause minimal demand for government services. This project would not result in an increase in traffic on existing roadways. 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 engine/generator would be considered a relatively small industrial source that would be portable and temporary in nature. No additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

Riverside would be allowed by Permit #2561-04 to operate the diesel-powered engine/generator in areas designated by EPA as attainment or unclassified for ambient air quality. Addendum 3 allows Riverside to operate in or within 10 km of certain PM_{10} nonattainment areas during the summer season (April 1 – September 30). Permit #2561-04 and Addendum 3 contain limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. 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

Operation of the diesel-powered engine/generator 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, no other industrial operations are expected to result from the permitting of this facility. Any minor increase in traffic would have little effect on local traffic in the immediate area. Because the source is relatively small and temporary, only minor economic impacts to the local economy would be expected from operating the engines. Further, this engine may be operated in conjunction with other equipment owned and operated by Riverside, 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: No Environmental Impact Statement (EIS) is required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: The current permitting action is for the operation of a diesel-fired engine/generator up to 1,071 hp. Permit #2561-04 and Addendum 3 include conditions and limitations to ensure the facility will operate in compliance with all applicable rules and regulations. In addition, there are no significant impacts associated with this proposal.

Other groups or agencies contacted or which may have overlapping jurisdiction: Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

Individuals or groups contributing to this EA: Department of Environmental Quality – Air Resources Management Bureau, Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: Ed Warner
Date: February 13, 2009