



PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: March 16, 2009

Name of Applicant: Conner's Concrete Incorporated

Source: Portable Rock Crushing and Screening Operation

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 4362-00.

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 April 15, 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,

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Air Permitting Program Supervisor
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VW:EW
Enclosures

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air Resources Management Bureau
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(406) 444-3490

DRAFT ENVIRONMENTAL ASSESSMENT (EA)

Issued To: Conner's Concrete Incorporated
P.O. Box 801
Big Timber, MT 59011

Air Quality Permit number: #4362-00

Preliminary Determination Issued: March 16, 2009

Department Decision Issued:

Permit Final:

1. *Legal Description of Site:* The initial site location is in the SW¼ of Section 7, Township 1 North, Range 15 East, in Sweet Grass County, Montana.
2. *Description of Project:* Conner proposes to construct and operate a portable rock crushing and screening facility with a maximum potential production capacity of 250 TPH at various locations across Montana. The plant will run on electricity provided by a diesel engine/generator with a maximum rated design capacity of 1,000 hp. Conner may utilize two diesel engines/generators simultaneously; however, the combined maximum rated design capacity of the engines cannot exceed 1,000 hp. The proposed action is to issue MAQP #4362-00 allowing the construction and operation of the plant in Sweet Grass County, Montana, and other locations across the state.
3. *Objectives of Project:* The objective of the construction and operation of the rock crushing and screening facility is to produce business and revenue by selling aggregate to support construction projects. The issuance of MAQP #4362-00 would allow Conner to operate the permitted equipment at various locations throughout Montana, including the proposed initial site 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 Conner 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 MAQP#4362-00.
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 crushing and screening operation. Impacts on terrestrials and aquatic life could result from storm water runoff and pollutant deposition, but such impacts would be minor, as the crushing and screening operations would be considered a minor source of emissions and would have intermittent and seasonal operations. Storm water runoff from the crushing/screening operation may end up in an on-site pond which 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. Furthermore, the air emissions would have only minor effects on terrestrial and aquatic life because facility emissions would have good pollutant dispersion in the area of operations (see section 7.F). Therefore, only minor and temporary effects to terrestrial and aquatic life and habitat would be expected from the proposed project.

B. Water Quality, Quantity and Distribution

Water will be required for dust suppression on the surrounding roadways, at areas of operation, and pollution control for equipment operations. However, pollutant deposition and water use would cause minor impacts, if any, to water resources in these areas because the facility is small with seasonal and intermittent operations and only a small volume of water would be used. Overall, the equipment would have minor impacts to water quality, quantity, and distribution in the area of operations.

C. Geology and Soil Quality, Stability and Moisture

The proposed project would have minor impacts on geology, soil quality, stability, and moisture of soils. Minor impacts from deposition of air pollutants on soils would result (as

described in Section 7.F of this EA) and minor amounts of water would be used for pollution control--only as necessary in controlling particulate emissions. Thus, minimal water runoff would occur. Since a small amount of pollution would be generated and corresponding emissions would be widely dispersed before settling upon vegetation and surrounding soils (as described in Section 7.D of this EA), impacts would be minor. Therefore, any effects upon geology and soil quality, stability, and moisture from air pollutant emissions from equipment and operation 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 remote areas previously designated and used for this type of operation. The overall footprint of the facility will be small, so the affect to quantity and quality of vegetative cover in the area would be minimal. There are no known plant species of concern within the project area.

In addition, water use at the facility, soil disturbance from water application, and the associated runoff would also be minimal. Overall, impacts to vegetation from the project would be minor.

E. Aesthetics

MAQP #4362-00 will include conditions to control emissions--including visible emissions from the operation. The crushing and screening operation would be portable, would operate on an intermittent and seasonal basis, and would be considered a small industrial source.

For the proposed project, the facility will be located in an existing gravel pit privately owned by the permittee and adjacent to railroad tracks. There are no houses around the pit area and the nearest house (approximately $\frac{3}{4}$ of a mile to the north of the proposed site) is shielded by sloped berm. Therefore, any disturbance to the aesthetic value of the area would be minor.

F. Air Quality

Air quality impacts from the proposed project would be minor because the facility would be relatively small and would operate on an intermittent basis. MAQP #4362-00 would include conditions limiting the facility's opacity and the facility's crushing and screening production. The permit will also limit total emissions from the crushing and screening facility and any additional equipment operated at the site to 250 tons per year or less, excluding fugitive emissions.

Further, the Department determined that the crushing and screening facility would be a minor source of emissions as defined under the Title V Operating Permit Program because the source's PTE was below the major source threshold level of 100 tons per year for any regulated pollutant. Additional pollutant deposition from the project would be minimal because the pollutants emitted would be well controlled, widely dispersed (from factors such as wind speed and wind direction), and would have minimal deposition on the surrounding area. Therefore, air quality impacts from the project in this area 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 in the proposed initial area of operation (Section 7, Township 1 North, Range 15 East in Sweet Grass County, Montana) contacted the Montana

Natural Heritage Program (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 initial site location. The peregrine falcon, greater sage-grouse, Yellowstone cutthroat trout, and greater short-horned lizard were listed as sensitive species potentially occupying the same area as the proposed site location. The bobolink was also identified as a species of concern but has no federal agency status.

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 initial location for the crushing and screening facility would be located in an existing gravel pit near the Boulder and Yellowstone Rivers. 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 identified nests being approximately 0.5 mile or more away from the proposed Conner facility, the site would fall into an MBEMP “Zone III” Classification, representing home range for bald eagles. 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). Zone III represents most of the home range used by eagles during nesting season, usually including all suitable foraging habitat within 2.5 miles of all nest sites in the breeding area that have been active within 5 years.

The objectives in Zone III areas include maintaining suitability of foraging habitat, minimizing disturbance within key areas, minimizing hazards, and maintaining the integrity of the breeding area. 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 as described above from a possible impact from the slight increase in air pollutants. Therefore, the impact on bald eagles is expected to be minor. Conner has also stated that crushing operations are expected to be seasonal with the primary crushing season occurring from October to April which is not during the typical bald eagle nesting season.

The greater short-horned lizard could potentially be located within the operational area of the project due to its preferred habitat of sandy/gravelly soils, but any impacts to the species habitat would be minimal due to the small overall footprint and temporary portable nature of the facility.

Given the fact that most of the species of concern will not likely be located within the operational area of the project and the portable nature of the crushing and screening operation--any effects would be minimal. In addition, initial and typical operations would take place within a previously disturbed industrial location further limiting the potential for impact to any unique endangered, fragile, or limited environmental resource in any proposed location of operation.

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

The proposed equipment would require an additional small quantity of water, air, and energy for the project. A minimal volume of water would be required for dust suppression of emissions being generated at the site. Impacts to air resources would be minor because the source is considered a minor industrial source of emissions, with intermittent and seasonal operations. Energy requirements would also be relatively small, as the facility would be powered by an industrial diesel engine generator. In addition, the permit requires restrictions on the generator's hours of operation to minimize the effects to air quality. Therefore, 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 construction and operation. Search results concluded that there are no previously recorded historical or archaeological resources of concern within the proposed area. According to the SHPO, there would be a low likelihood of adverse disturbance to any known archaeological or historic site. Therefore, no impacts upon historical or archaeological sites would be expected as a result of operating the proposed crushing and screening plant.

J. Cumulative and Secondary Impacts

The additional equipment would cause minor cumulative or secondary impacts to the physical and biological aspects of the human environment because the equipment would generate relatively small amounts of emissions of PM, PM₁₀, NO_x, CO, VOC (including HAPs), and SO_x. Emissions and noise generated from the equipment would, at most, result in only minor impacts to the area of operations because the crushing and screening plant would be relatively small, seasonal, and temporary. The proposed project would be short-term in nature, and have minor cumulative effects upon resources within the area. 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 proposed project would not cause any disruption to the social structures and mores in the area because the source would be a minor industrial source of emissions, and would only have temporary and intermittent operations. Further, the facility would be required to operate according to the conditions placed on MAQP #4362-00 that would limit the effects to social structures and mores.

B. Cultural Uniqueness and Diversity

The facility is located on private land, the footprint of the project will be minor, and predominant use of the area would remain the same. The cultural uniqueness and diversity of this area would not be impacted by the proposed project because the facility would be a portable source, with seasonal and intermittent operations. Therefore, the cultural uniqueness and diversity of the area would not be affected.

C. Local and State Tax Base and Tax Revenue

The proposed project would result in minor, if any, impacts to the local and state tax base and tax revenue because the proposed project would not require additional employees. In addition, only minor amounts of construction would be required to complete the project, and the facility would be a minor industrial source of emissions with seasonal and intermittent operations.

D. Agricultural or Industrial Production

The proposed project would have a minor impact on local industrial production since the facility would increase aggregate production and air emissions slightly. The facility is located on private

land and the mining process is currently contained to 28 acres. Because minimal deposition of air pollutants would occur on the surrounding land (as described above in Section 7.F), only minor and temporary effects on the surrounding vegetation or agricultural production would occur. In addition, the facility operations would be small and temporary in nature and would be permitted with operational conditions and limitations that would minimize impacts upon surrounding vegetation, as described in Section 7.D above. According to the owner most of the surrounding area is farm land; therefore, impacts to the surroundings will be minor.

E. Human Health

Conditions would be incorporated into MAQP #4362-00 to ensure that the crushing and screening facility would operate 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 Section 7.F of this EA, the air emissions from this project would be minimized by the use of water spray and other process limits that would be required of MAQP #4362-00. Further, the facility would operate on an intermittent and seasonal basis and only minor impacts would be expected on human health from the proposed facility.

F. Access to and Quality of Recreational and Wilderness Activities

Access to recreational opportunities will not be limited by this facility. The project location for this action is near the Boulder and Yellowstone Rivers and adjacent to a railroad. All recreational opportunities, if available in the area, will 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

The portable crushing and screening operation would be relatively small. As proposed, Conner will not employ any additional people so impacts to employment will be minimal. In addition, the project would have seasonal and intermittent operations. There would be no known effects upon the quantity and distribution of employment in this area.

H. Distribution of Population

The portable crushing and screening operation would be small with few (1-4) employees. No individuals would be relocated to the area of operation as a result of the project because Conner does not plan to hire additional employees as a result of this permitting action. Therefore, the facility would not impact the normal population distribution in the area of operation or any future operating site.

I. Demands for Government Services

There would be no increase in traffic on existing roadways and highways in the area from the proposed project. 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, demands for government services would be minor due to the relatively small size and seasonal nature of the crushing and screening facility.

J. Industrial and Commercial Activity

The proposed project would represent only a minor increase in the industrial activity in the proposed area of operation because the facility would continue to be a small industrial source, portable and temporary in nature. No additional industrial or commercial activity would be expected as a result of the proposed operation. Therefore, any impacts to the industrial and commercial activity would be minor.

K. Locally Adopted Environmental Plans and Goals

Conner would be allowed by MAQP #4362-00 to operate in areas designated by EPA as attainment or unclassified for ambient air quality. An addendum would be required to operate in or within 10 kilometers (km) of a PM₁₀ nonattainment area. MAQP #4362-00 would contain production and opacity limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. Because the facility is small and portable, any impacts from the project would be minor and short-lived.

L. Cumulative and Secondary Impacts

Overall, the proposed project 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 continue to be portable, and the footprint of the facility would remain relatively small. Further, no other industrial operations are expected to result from this permitting action. Any increase in traffic would have minor effects on local traffic in the immediate area.

This facility may be operated in conjunction with other equipment owned and operated by Conner, but any cumulative impacts or secondary impacts would be minor and short-term. In conclusion, the source is relatively small, the facility emissions will be minimal, and the project would have only minor cumulative and secondary impacts.

Recommendation: No 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 construction and operation of a portable rock crushing and screening facility. MAQP #4362-00 includes 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 17, 2009