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: July 24, 2009

Name of Applicant: Schellinger Construction Co., Inc.

Source: Portable Crushing and Screening Facility

Proposed Action: The Department of Environmental Quality (Department) proposes to issue a permit, with conditions, to the above-named applicant. The application was assigned Montana Air Quality Permit (MAQP) #3257-04.

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 August 24, 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) 444-9741

Jenny O'Mara

Jenny O'Mara
Environmental Engineering Specialist
Air Resources Management Bureau
(406) 444-1452

VW: JO
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: Schellinger Construction Company, Inc.

Montana Air Quality Permit #: 3257-04

Preliminary Determination Issued: 07/24/09
Department Decision Issued:
Permit Final:

1. *Legal Description of Site*: MAQP #3257-04 would apply to the source while operating at any location in Montana, except within those areas having a Department approved permitting program, those areas considered tribal lands, or those areas in or within 10 km of certain PM_{10} nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana*.

   Addendum 5 and MAQP #3257-04 would apply to the Schellinger facility while operating at any location in or within 10 km of certain PM_{10} nonattainment areas during the summer months (April 1 – September 30) and at sites approved by the Department during the winter months (October 1 – March 31).

2. *Description of Project*: On June 10, 2009, the Department received a request from Schellinger to modify MAQP #3257-03. This permit modification increases the size of the diesel engine/generator from 520 kW up to 755 hp, increases the production limit of the screen from 450 TPH to 700 TPH, and increases the production of the crusher from 250 TPH to 300 TPH.

3. *Objectives of Project:* The objective of this permitting action would be for Schellinger to increase the size of their diesel engine and screen, and to update the equipment inventory of their existing plant.

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 Schellinger 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 #3257-04 and Addendum 5.

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

Terrestrials would use the same area as the crushing and screening operation. However, this permit modification would result in minor additional emissions, and the plant would only operate intermittently and seasonally. Therefore, only minor effects on terrestrial life would be expected as a result of equipment operations or from pollutant deposition.

Impacts on aquatic life could result from storm water runoff and pollutant deposition, but such impacts would be minor as the facility would be a minor source of emissions (with seasonal and intermittent operations). This permit action would not need any additional water for pollution control. Since only a minor amount of additional air emissions would be generated, only minor deposition would occur. Therefore, only minor and temporary effects to aquatic life and habitat would be expected due to the proposed permit modification.

B. Water Quality, Quantity and Distribution

This permit action would not result in additional water for dust suppression. Additionally, increasing the size of diesel engine to this existing 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 existing crushing and screening operation. 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 permit modification 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 additional 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, Schellinger would not disturb any new soils because Schellinger proposes to locate the diesel engine at an existing pit. Schellinger does not intend to modify any unique geologic or physical features. Therefore, any additional effects upon geology and soil quality, stability, and moisture at this site would be minor and short-term.

D. Vegetation Cover, Quantity, and Quality

The operation of the diesel engine/generator and the increased production capacity of the screen would cause few additional emissions. This equipment 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. The Department contacted MNHP and they noted that there are no known vegetative species of concern at the proposed location. Therefore, given the temporary and portable nature of this operation 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 crushing and screening operation would be visible and would create additional noise while operating in these areas. However, MAQP #3257-04 and Addendum 5 would include conditions to control emissions, including visible emissions, from the plant. Also, because the crushing and screening operation is portable, would operate on an intermittent and seasonal basis, and would typically locate within an existing open-cut pit, any visual and noise impacts from the diesel engine and increased production of the screen would be minor and short-lived. Therefore, impacts to area aesthetics as a result of the proposed permit modification would be minor.

F. Air Quality

The air quality impacts from the crushing and screening operations would be minor because the facility is relatively small, and this permit modification would result in a minor increase of emissions. MAQP #3257-04 and Addendum 5 would include conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution. Further, MAQP #3257-04 and Addendum 5 would limit total emissions from the crushing and screening operation, and would limit the operation of the diesel engine, and any additional Schellinger equipment operated at the site to 250 tons/year or less, excluding fugitive emissions.

This facility would be used on a temporary and intermittent basis, thereby further reducing potential air quality impacts from the facility. Additionally, the small and intermittent amounts of deposition generated from the modification of MAQP #3257-04 and Addendum 5 would be minimal because the pollutants emitted would be well controlled, widely dispersed (from such factors as wind speed and wind direction) and would have minimal deposition on the surrounding area. Therefore, air quality impacts 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 the Montana National Heritage Program (MNHP). Search results inferred that two sensitive vertebrate animals known as the Gray Wolf and Black Tern might be located near or within the existing pit. However, the extent of the Gray Wolf habitat area is substantial and it is unlikely that the Gray Wolf would locate near the diesel engines or the industrial activity. It is unusual for a wild wolf to associate or interact with people, or linger near buildings for extended periods of time. Therefore, it is unlikely that the Gray Wolf would locate near the diesel engines or the existing open cut pit and impacts would be minor.

The Black Tern is considered an air breeding habitat and is generally found in freshwater marshes across most of Canada, the northern United States and much of Europe and western Asia. They usually nest either on floating material in a marsh or on the ground very close to water, laying 2-4 eggs. These birds do not dive for fish, but forage on the wing picking up items at or near the water's surface or catching insects in flight. They mainly eat insects and fish as well as amphibians. The location of concern for this species is approximately 1 mile east of the existing pit. It is unlikely that the permit modification would cause harm to this species.

This operation would be considered portable and temporary in nature, and any impacts to the gray wolf and Black Tern would likely be short-term. Given the relatively small size of the facility, the probability that the facility would locate in a previously disturbed area, and the temporary and portable nature of the operations, any impacts would be minor and short-lived. Additionally, operational conditions and limitations within MAQP #3257-04 and Addendum 5 would aid in the protection of these resources by protecting the surrounding environment. Therefore, the impacts to unique endangered, fragile of limited environmental resources would be minor.

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

The operation of the diesel engine/generator and the increased production capacity of the screen would not require any additional 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. Energy requirements would also be small because the energy demands of the crushing and screening operation would be relatively minor and the facility would not be used continuously. The facility would have limited production, and would have seasonal and intermittent use. Because air pollutants generated by the engine would be widely dispersed (see Section 8.F of this EA) and energy requirements would be met by the diesel engine, water use would be minimal and any impacts to water, air, and energy resources would be minor.

I. Historical and Archaeological Sites

In an effort to identify any historical and archaeological sites located near the proposed project area, the Department contacted the Montana Historical Society, State Historic Preservation Office (SHPO). According to SHPO records, there are no previously recorded historic or archaeological sites within the proposed area. However, SHPO stated that the absence of cultural properties in the area does not mean that they do not exist, but may reflect a lack of previous cultural resource inventories in the area. The Department determined that the chance of the existing facility impacting any historical and archaeological sites in the area would be minor due to the relatively small size of the project.

J. Cumulative and Secondary Impacts

The operation of the diesel engine/generator and the increased production capacity of the screen would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility is an existing source and would be limited in the amount of PM, PM_{10}, NOx, VOC, CO, and SOx emissions generated. Noise would also be generated from the site. Emissions and noise would cause minimal disturbance because the equipment is small and the facility would be expected to operate in areas designated and used for such operations. Additionally, this facility, in combination with the other emissions from equipment operations at the operational site, would not be permitted to exceed 250 tons per year of non-fugitive emissions. Overall, any cumulative or 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 operation of the diesel engine/generator and the increased production capacity of the screen would cause no additional disruption to the social structures and mores in the area because the source is a minor source of emissions (by industrial standards), and would be located at an existing open pit, and would only have intermittent operations. Further, the facility would be required to operate according to the conditions that would be placed in MAQP #3257-04 and Addendum 5. Thus, no native or traditional communities would be affected by the proposed project operations and no impacts upon social structures or mores would result.

B. Cultural Uniqueness and Diversity

The impacts to cultural uniqueness and diversity of this area would be minor due to modification of the current permit. The predominant use of the area is an existing gravel pit surrounded by agricultural operations (wheat and barley). Because the predominant use of this area has historically been crushing and screening operations, and the fact that this operation would not change as a result of adding an engine or increasing screen production, there would be minor impacts resulting from this permit modification. Additionally, the facility would be considered a portable/temporary source with seasonal and intermittent operations. Therefore, the cultural uniqueness and diversity of the area could experience minor impacts.

C. Local and State Tax Base and Tax Revenue

The operation of a diesel engine/generator and the increased production capacity of the screen to an existing crushing and screening operation would have little, if any, impact on the local and state tax base and tax revenue because the facility would be considered a relatively small industrial source (minor source) and would be used on a seasonal and intermittent basis. In general the facility requires the use of only a few employees (6-12) and the permit modification would require no additional employees. Thus, only minor, if any, impacts to the local and state tax base and revenue could be expected from this change to facility production. Furthermore, the impacts to local tax base and revenue would be minor because the source would also be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The operation of a diesel engine/generator and the increased production capacity of the screen would occur in an existing pit that covers approximately 320 acres. The diesel engine/generator would not have an impact on local industrial production since the engine's operation would be minimal and emissions from the engines 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 additional impacts to agricultural or industrial production would be minor.

E. Human Health

MAQP #3257-04 and Addendum 5 would incorporate conditions 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. The additional emissions from this permit modification are minimal, however, any air emissions from this facility would be minimized by the use of water spray and other conditions that were established in the MAQP. Therefore, only minor impacts would be expected upon human health from the proposed project.

F. Access to and Quality of Recreational and Wilderness Activities

MAQP #3257-04 and Addendum 5 would incorporate conditions to ensure that the diesel engine 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

MAQP #3257-04 and Addendum 5. 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 operation of the diesel engine and increased production of the screen at the existing crushing and screening facility. Any changes in the quality of recreational and wilderness activities created by operating the equipment at a given site would be expected to be minor and intermittent.

G. Quantity and Distribution of Employment

According to the applicant, the plant operation would require approximately 6-12 employees. However, this permit modification would not require any additional employees. Other employees that would be associated with the plant would be a transient (e.g. truck drivers for aggregate, load out, etc.). Because the operation would be seasonal and temporary, no individuals would be expected to permanently relocate as a result of this permit modification. Therefore, no effects upon the quantity and distribution of employment in this area would be expected.

H. Distribution of Population

The portable crushing and screening operation is small and would require few employees to operate. Also, no individuals would be expected to permanently relocate to a given area of operation as a result of the increased size of the diesel engine and the increased production of the screen. Overall, the facility would have intermittent and seasonal operations. Therefore, this permit action would not disrupt the normal population distribution in a given area of operation.

I. Demands for Government Services

The increased size of the diesel engine/generator and the increased screen production at the existing crushing and screening facility would cause minimal, additional 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 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, and be portable and temporary in nature. Very little 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

The Department is not aware of any locally adopted environmental plans and goals that would affect Schellinger's operation. The facility would be allowed, by permit, to operate in areas designated by EPA as attainment or unclassified. MAQP #3257-04 and Addendum 5 would contain limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. Addendum 5 and MAQP #3257-04 would apply to the Schellinger facility while operating at any location in or within 10 km of certain PM_{10}

nonattainment areas during the summer months (April 1 – September 30) and at sites approved by the Department during the winter months (October 1 – March 31). Because the facility would be a small and portable source, and would have intermittent and seasonal operations, any effects from the facility would be minor and short-lived.

L. Cumulative and Secondary Impacts

Operation of the diesel engine/generator and an increase in screen production 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 facility. 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 would be to increase the size of the diesel engine/generator and increase the crushing and screening production at an existing facility. MAQP #3257-04 and Addendum 5 include conditions and limitations to ensure the facility would 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: Jenny O'Mara
Date: July 1, 2009