Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
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February 25, 2010

Mr. Dave Bren
Fisher Sand and Gravel Co
91 Swingley Road
Livingston, MT 59047

Dear Mr. Bren:

Montana Air Quality Permit #4506-00 is deemed final as of February 25, 2010, by the Department of Environmental Quality (Department). This permit is for a portable truck mix concrete batch plant. All conditions of the Department's Decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the Department,

Vickie Walsh
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-9741

Shawn Juers
Environmental Engineer
Air Resources Management Bureau
(406) 444-2049

VW:SJ
Enclosure

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

# FINAL ENVIRONMENTAL ASSESSMENT (EA)

*Issued To*: Fisher Sand and Gravel Company
91 Swingley Road
Livingston, MT 59047

*Montana Air Quality Permit number:* 4506-00

*Preliminary Determination Issued:* January 22, 2010
*Department Decision Issued:* February 9, 2010
*Permit Final:* February 25, 2010

1. *Legal Description of Site*: Fisher proposes to operate a portable batch concrete plant, which will initially be located at Section 9, Township 2 South, Range 10 East in Park County, near Livingston, Montana.

2. *Description of Project:* Fisher proposes to install and operate a portable truck mix batch concrete plant.

3. *Objectives of Project*: To install a portable concrete plant to help service the communities of Livingston and Bozeman and other surrounding communities.

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 Fisher 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 #4506-00.

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 | | | xx | | | Yes |
| B | Water Quality, Quantity, and Distribution | | | xx | | | Yes |
| C | Geology and Soil Quality, Stability and Moisture | | | xx | | | Yes |
| D | Vegetation Cover, Quantity, and Quality | | | xx | | | Yes |
| E | Aesthetics | | | xx | | | Yes |
| F | Air Quality | | | xx | | | Yes |
| G | Unique Endangered, Fragile, or Limited Environmental Resources | | | xx | | | Yes |
| H | Demands on Environmental Resource of Water, Air and Energy | | | xx | | | Yes |
| I | Historical and Archaeological Sites | | | xx | | | Yes |
| J | Cumulative and Secondary Impacts | | | xx | | | 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

The project would result in emissions of particulate matter. However, MAQP #4506-00 would require controls to reduce these emissions. Overall, impacts to terrestrial and aquatic life and habitats would be expected to be minor.

B. Water Quality, Quantity and Distribution

Water may be required for fugitive dust control; however, impacts to the water quality, quantity, and distribution in the area would be expected to be minor.

C. Geology and Soil Quality, Stability and Moisture

The initial location of MAQP #4506-00 would be within a location in which an open cut permit has been obtained. MAQP #4506-00 would require the use of a fabric filter collection system and rubber loadout boot. Water may be required for fugitive dust control. Minor deposition of pollutants and water use for dust suppression would be expected as a result of this project. Minor impacts to soil quality, stability, and moisture would be expected as a result of this project.

D. Vegetation Cover, Quantity, and Quality

Deposition of pollutants would be expected to be minor due to the controls and limitations on particulate matter emissions which would be placed in MAQP #4506-00. Therefore, only minor effects to vegetation cover, quantity, and quality would be expected as a result of this project.

E. Aesthetics

The initial location of MAQP #4506-00 would be within a location in which an open cut permit has been obtained. Conditions in MAQP #4506-00 limit visible emissions to 20% opacity. Minor effects to aesthetics would be expected to result from this project.

F. Air Quality

Air quality impacts from the proposed project would be minor because MAQP #4506-00 would limit the facility's opacity, as well as requiring a fabric filter dust collector and a rubber boot load-out spout to control facility emissions. The permit would also require dust suppression to control fugitive emissions. Furthermore, operations would be expected to be intermittent and, as a portable source, potentially temporary in nature. Therefore, impacts to air quality would be expected to be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department, in an effort to assess any potential impacts to unique endangered, fragile, or limited environmental resources in this initial proposed area of operation, contacted the Montana Natural Heritage Program (MNHP). MNHP search results concluded there are three such environmental resources found within the surrounding area. The defined area of concern, in this case, includes the Section, Township, and Range where the proposed facility would locate with an additional 1-mile buffer. Species of concern include the Bald Eagle, the Yellowstone Cutthroat Trout, and the Gray Wolf.

The Bald Eagle has a listed state conservation status of S3, signifying a state-level rank of vulnerable. The global conservation status is G5, signifying a global-level rank of "secure." "Secure" is defined by NatureServe.org as common; widespread and abundant. 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 MNHP identified a bald eagle nest located within 3.0 miles of the proposed batch concrete plant. To aid in determining potential impacts to 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 greater than 0.5 mile away from the proposed 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.

As described in Section 7.D of this environmental assessment, impacts to Vegetation Cover, Quantity, and Quality from pollutant deposition would be expected to be minor. Because the concrete batch plant would be installed in an already existing and permitted open cut area, the project would not be expected to significantly increase disturbance within the area. As described in Section 7.F, the Department determined that impacts to air quality would be minor.

Furthermore, the facility's proposed location would potentially be just within the 2.5 mile radius (Zone III) of a potentially present bald eagle nest. A more precise analysis of the facility location after installation may show the facility is greater than 2.5 miles away (outside the Zone III area). The impact on bald eagles from this project is expected to be minor. These considerations of impacts to bald eagles are made using the facility's potential-to-emit as presented in the permit, based on 8,760 hours of operation per year.

The gray wolf has a listed state conservation status of S3, signifying a state-level rank of vulnerable. Vulnerable is defined by NatureServe.org as at moderate risk of extinction or elimination in the jurisdiction due to a restricted range, relatively few populations, recent and widespread declines, or other factors making it vulnerable to extirpation. The global conservation status is G4, signifying a global-level rank of apparently secure. Apparently secure is defined by NatureServe.org as uncommon but not rare; some cause for long-term concern due to declines or other factors. 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.

The wolf exhibits no particular habitat preference except wolves usually occupy areas with few roads or human disturbance. The initial location of this facility is within an area in which an open-cut permit has been obtained. The Department would not expect the facility to have an impact on the local gray wolf population.

The Yellowstone Cutthroat Trout has a listed state conservation status of S2, signifying a state level rank of imperiled. Imperiled is defined by NatureServe.org as rarity due to very restricted range, very few populations, steep declines, or other factors making it very vulnerable to extirpation from jurisdiction.

The facility's initial location would be greater than 1 mile from the Yellowstone River. As described in Section 7.B of this environmental assessment, water may be used on site to control fugitive dust emissions. As described in Section 7.F of this environmental assessment, effects to air quality are expected to be minor. With a facility location greater than 1 mile from Yellowstone Cutthroat Trout habitat, any impacts to this species would be expected to be minor.

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

As described in Section 7.B of this environmental assessment, water may be used on site to control fugitive dust emissions. The water usage would be needed to reduce fugitive particulate matter emissions. As a result, as described in Section 7.F of this environmental assessment, effects to air quality are expected to be minor. The initial location would have sufficient landline power and Fisher does not anticipate having to install a generator for the initial site location. Overall, the demands on environmental resource of water, air, and energy are expected to be minor.

I. Historical and Archaeological Sites

The Department contacted the State Historic Preservation Office (SHPO) to request a cultural resource file search for the project location to aid the Department in the assessment of impacts to historical and archeological sites. The SHPO file search reported no previously recorded sites within the designated search area. The Department would expect minor, if any, impacts to any sites present in the area.

J. Cumulative and Secondary Impacts

No individual consideration above was determined to present any more than a minor impact. Cumulatively, the proposed project would cause minor impacts to the physical and biological aspects of the human environment because the facility would generate emissions, however, the cumulative and secondary impacts are expected to 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 | | | xx | | | Yes |
| B | Cultural Uniqueness and Diversity | | | xx | | | Yes |
| C | Local and State Tax Base and Tax Revenue | | | xx | | | Yes |
| D | Agricultural or Industrial Production | | | xx | | | Yes |
| E | Human Health | | | xx | | | Yes |
| F | Access to and Quality of Recreational and Wilderness Activities | | | xx | | | Yes |
| G | Quantity and Distribution of Employment | | | xx | | | Yes |
| H | Distribution of Population | | | xx | | | Yes |
| I | Demands for Government Services | | | xx | | | Yes |
| J | Industrial and Commercial Activity | | | xx | | | Yes |
| K | Locally Adopted Environmental Plans and Goals | | | xx | | | Yes |
| L | Cumulative and Secondary Impacts | | | xx | | | Yes |

SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC AND SOCIAL EFFECTS: The following comments have been prepared by the Department.

A. Social Structures and Mores
B. Cultural Uniqueness and Diversity

The project would not be expected to change the predominant use of the land in the surrounding area, as the facility would be located within an open cut permit area. The project would include the addition of up to three additional employees. Minor effects to social structures and mores or cultural uniqueness and diversity would be expected as a result of this project.

C. Local and State Tax Base and Tax Revenue

This project would be permitted as a portable source. As a portable source, any taxes and revenue generated would potentially be temporary and wide spread. The project would include the addition of up to three additional employees. Effects to local and state tax base and revenue would be expected to be minor.

D. Agricultural or Industrial Production

The project would not be expected to change the predominant use of the land in the surrounding area, as the facility would be located within an open cut permit area. As described in section 7.D, effects to vegetation cover, quantity, and quality would be expected to be minor. Effects to agricultural or industrial production would be expected to be minor.

E. Human Health

MAQP #4506-00 would contain limitations and conditions derived from rules designed to protect human health. Overall, any impacts to human health would be expected to be minor.

F. Access to and Quality of Recreational and Wilderness Activities

The facility would be located within an open cut permit area, therefore, no change to the access of recreational and wilderness activities would be expected. MAQP #4506 would contain limitations and conditions limiting emissions and opacity from the source. Minor effects to the quality of recreational and wilderness activities would be expected as a result of this project.

G. Quantity and Distribution of Employment

The project would include the addition of up to three additional employees. This small number of new employees would not be expected to have any significant effect to the quantity and distribution of employment.

H. Distribution of Population

The project would include the addition of up to three additional employees. This small number of new employees would not be expected to have any significant effect to the quantity and distribution of population. Because the facility is proposing to operate within an existing open cut permit area, and conditions and limitations would be placed in MAQP 4506-00 to limit opacity, minor effects if any would be expected to distribution of population would be expected.

I. Demands for Government Services

It would be expected that there would be demand for government services associated with compliance activities and acquiring the proper permits related to this project. Overall, demands for government services would be minor due to the size/classification of this facility.

J. Industrial and Commercial Activity

The facility would be located within an open cut permit area. A minor increase in industrial and commercial activity would be expected as a result of this project.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans and goals affected by the issuance of MAQP #4506-00. The MAQP would contain limits for protecting air quality and keeping facility emissions in compliance with state and federal air quality standards.

L. Cumulative and Secondary Impacts

Potential economic and social effects of any individual considerations above would be expected to be minor. The Department has determined that collectively, the potential cumulative and secondary impacts would be expected to be minor.

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 construction and operation of a portable concrete batch plant. MAQP #4506-00 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: Shawn Juers
Date: 1/05/2009