Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
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PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: March 22, 2010

Name of Applicant: RMR Aggregate, Inc.

Source: Portable crushing/screening plant

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 3066-04.

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 April 21, 2010. 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
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VW:DF
Enclosures

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air and Waste Management Bureau
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DRAFT ENVIRONMENTAL ASSESSMENT (EA)

Issued For: RMR Aggregate, Inc.
P.O. Box 887
Conrad, MT 59425

Montana Air Quality Permit Number: #3066-04

Preliminary Determination Issued: March 22, 2010
Department Decision Issued: Date
Permit Final:

1. *Legal Description of Site*: RMR's portable crushing/screening plant would be initially located in the SE¼ of the NE¼ of Section 19, Township 27 North, Range 3 West, in Pondera County, Montana. MAQP #3066-04 would apply while operating at any location in Montana, except within those areas having a Department approved permitting program, tribal lands, or those areas in or within 10 km of certain PM_{10} nonattainment areas. An addendum to this air quality permit will be required if RMR intends to locate 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.*

2. *Description of Project*: RMR requested the removal of a 1929 Symmons Cone Crusher, the addition of a 24x36 jaw crusher (maximum capacity up to 20 TPH (for a total of 3 crushers), one screen (maximum capacity up to 200 TPH) (for a total of 5 screens), 9 conveyors (maximum capacity up to 200 TPH) (for a total of 13 conveyors), a 70 hp water pump, a 526 hp diesel engine/generator (for a total of 2 generators), and associated equipment.

3. *Objectives of Project*: The object of the project would be to produce business and revenue for the company by the sale and use of aggregate, with the addition of the requested equipment.

4. *Additional Project Site Information*: In many cases, this crushing/screening operation may move to a general site location or open cut pit, which has been previously permitted through the Industrial and Energy Minerals Bureau (IEMB). If this were the case, additional information for the site would be found in the Mined Land Reclamation Permit for that specific site.

5. *Alternatives Considered*: In addition to the proposed action, the Department considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality pre-construction permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because RMR demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.

6. *A Listing of Mitigation, Stipulations, and Other Controls*: A listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in MAQP #3066-04.

7. *Regulatory Effects on Private Property Rights*: The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined the permit conditions would be reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and would not unduly restrict private property rights.

8. *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 Resource			X			yes
H.	Demands on Environmental Resource of Water, Air, and Energy			X			yes
I	Historical and Archaeological Sites			X			yes
J.	Cumulative and Secondary Impacts			X			yes

Summary of Comments on Potential Physical and Biological Effects: The following comments have been prepared by the Department.

A. Terrestrial and Aquatic Life and Habitats

Terrestrials would use the same area as the crushing/screening operations. The crushing/screening operations would be considered a minor source of emissions, by industrial standards, with intermittent and seasonal operations. 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 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) and with minor amounts of water used for pollution control. Since good dispersion of air pollutants would occur in the proposed area of operation and only a minor amount of air emissions would be generated, only minor deposition would occur. At the initial site location, the nearest surface water is a small pond (approximately 1/10 mile away). Therefore, because the small amount of air emissions generated would correspond to an equally

small amount of pollutant deposition to local water resources and because the nearest surface water is 1/10 mile away, any impacts to the terrestrial and aquatic life and habitat would be minor.

B. Water Quality, Quantity, and Distribution

Water would be used for dust suppression on the surrounding roadways and areas of operation and for pollution control for equipment operations. However, water use would only cause a minor disturbance to the area since only relatively small amounts of water would be needed. Any impacts from this proposed project would be minor as a result of using water for dust suppression and equipment operations because only small amounts of water would be required and the project would be temporary and intermittent in nature.

Further, equipment operations would result in the emissions of air pollutants, which would disperse to surrounding water resources. However, as previously stated, emissions from the additional crushing/screening equipment would be relatively minor, intermittent, and short-lived. Also, because good pollutant dispersion would occur in this area (as the nearest surface water resource is approximately 1/10 mile away and the site sits on a plateau 75 feet above Aldrich Coulee) any impacts from pollutant deposition or from equipment operations on surface or groundwater resources would be minor.

C. Geology and Soil Quality, Stability, and Moisture

The soils in the proposed site locations would be impacted by the crushing/screening operations due to the construction and use of the additional crushing/screening equipment. Minimal disturbance to soil would occur as a result of construction and use of the equipment because the equipment would be added to an existing crushing/screening facility and would operate in an existing open-cut pit. Pollutant deposition upon the surrounding soils from the additional equipment would be minimal. Also, considering the facility's relatively small size, portable and temporary nature, and the sites historical usage, future reclamation plan, and good pollution dispersion for the area of operations, any affects (upon geology and soil quality, stability, and moisture) from operating the additional crushing/screening equipment would be minor.

D. Vegetation Cover, Quantity, and Quality

Because the proposed equipment would operate in conjunction with an existing facility in an existing open-cut pit, would operate in an area where good pollutant dispersion would occur, and would be a minor source of emissions and temporary in nature, impacts from the emissions from the crushing/screening facility would be minor. The vegetation surrounding the site is primarily wheat grass and the pit site is on a plateau.

As described in Section 8.F of this EA, the impacts from the air emissions from the proposed equipment would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor. Also, because the associated water resource and soil disturbance would be minimal, as a result of equipment construction and operation (as described in Sections 8.B and 8.C), corresponding vegetative impacts would also be minimal.

E. Aesthetics

The crushing/screening operations as a whole, including the proposed equipment, would be visible and would create additional noise in the area. MAQP #3066-04 would include conditions to control emissions, including visible emissions, from the facility. Since the crushing/screening operations would have a minor amount of emissions, and would be portable, and have seasonal

and intermittent operations, and would locate within an existing pit and in a relatively remote location, any visual and noise impacts would be minor.

F. Air Quality

The air quality impacts from the crushing/screening operations would be minor because MAQP #3066-04 would include conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution. Additionally, the facility is considered a minor source of air pollution by industrial standards and would be located in an area where good air pollutant dispersion would occur. Therefore, the air impacts would be minor.

The operations would be limited, by MAQP #3066-04, to total emissions of 250 tons/year or less of any regulated pollutant from non-fugitive sources at the plant, in addition to any additional equipment operated at the site. Furthermore, the emissions from this facility would be subject to BACT. For example, RMR would be required to use water to reduce emissions from equipment operations, storage piles, and haul roads. Also, the operation would have temporary and intermittent use, thereby further reducing potential air quality impacts from the facility. 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 in the initial proposed area of operation, contacted the Montana Natural Heritage Program (MNHP). Search results concluded there are no such environmental resources found within the defined area. The defined area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer. Therefore, no impacts upon the unique endangered, fragile, or limited environmental resources would be expected as a result of the proposed crushing/screening plant operations. However, any such effects would be expected to be minor and short-lived.

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

Due to the size of the proposed crushing/screening equipment, the crushing/screening operations would only require small quantities of water, air, and energy for proper operation. Small quantities of water would be used for dust suppression and would control emissions being generated at the site. Energy requirements would also be small because the engine/generator and water pump being added are small by industrial standards and would be powered using a non-renewable resource for fuel. In addition, impacts to air resources would be minor because the proposed equipment added to the previously permitted facility would be small by industrial standards, with intermittent and seasonal operations, and because air pollutants generated by the facility would be widely dispersed. Therefore, any impacts to water, air, and energy resources would be minor.

I. Historical and Archaeological Sites

The Department previously contacted the Montana Historical Society - State Historical Preservation Office (SHPO) in an effort to identify any historical and/or archaeological sites that may be present in the proposed area of construction/operation. Search results concluded that there are no previously recorded historical or archaeological resources of concern within the area proposed for initial operations. According to past correspondence from the Montana State Historic Preservation Office, given the previous industrial disturbance in the area, 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 the proposed

crushing/screening plant operations. However, any such effects would be expected to be minor and short-lived.

J. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the proposed equipment in addition to the existing facility would have only seasonal and intermittent use and because the facility is considered a minor source of air pollutants by industrial standards. The facility would generate emissions of PM, PM_{10}, NO_x, volatile organic compounds (VOC), carbon monoxide (CO), and oxides of sulfur (SO_x). Noise would also be generated from the proposed equipment and the site as a whole. Emissions and noise would cause minimal disturbance because the site is an existing pit, previously designated and used for such operations and is in a relatively remote location (in relation to any residences). Additionally, this facility, in combination with the other emissions from the site would not be permitted to exceed 250 tons per year of non-fugitive emissions.

9. *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 Department has prepared the following comments.

A. Social Structures and Mores

The crushing/screening operation would cause no disruption to the social structures and mores in the area because the proposed equipment (and the facility as a whole) would be a minor source of emissions and temporary in nature. Additionally, the equipment would be located in a previously developed open-cut pit that has been designated and used for such purposes, in an area removed from the general population, and would be required to operate under the conditions in MAQP #3066-04. Thus, no native or traditional communities would be affected by the proposed project operations and no impacts upon social structures or mores would result. Also, the predominant use of the surrounding area would not change as a result of this project.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of the area would not be impacted by the proposed crushing/screening operations because the site and surrounding area have been previously designated and used for such purposes and are separated from the general population. Additionally, the proposed equipment and the facility as a whole would be considered a portable/temporary source with seasonal and intermittent operations. Thus, the predominant use of the surrounding area would not change as a result of this project.

C. Local and State Tax Base and Tax Revenue

The crushing/screening operations would have little, if any, impact on the local and state tax base and tax revenue because the proposed equipment, in addition to the existing facility would be small by industrial standards. The facility operations would require the use of only a few existing employees. Thus, only minor impacts to the local and state tax base and revenue could be expected from the employees and facility production. Furthermore, the impacts to local tax base and revenue are expected to be minor because the source would be portable and the money generated for taxes would be potentially widespread.

D. Agricultural or Industrial Production

The crushing/screening operations would have only a minor impact on local industrial production since the proposed equipment in addition to the existing facility would be small by industrial standards and would locate in a previously disturbed industrial area. Only minor impacts to agricultural land would occur, because the facility would initially operate in an existing open-cut pit. Though the surrounding area is currently being used for some agricultural production and pastureland, only minor and temporary effects upon agricultural production (from pollutant deposition) would occur. Also, the facility operations are small and temporary in nature and would be have minimal impacts upon existing vegetation, as described in Section 8.D. Additionally, pollution control would be utilized on equipment operations and production limits would be established to protect the surrounding environment at the initial operating site or any other area of operation.

E. Human Health

MAQP #3066-04 would incorporate conditions to ensure that the proposed equipment would be operated 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 8.F., the air emissions from this facility would be minimized by the use of water spray and other emission limits established in MAQP #3066-04. Therefore, only minor impacts would be expected upon human health from the proposed crushing/screening equipment.

F. Access to and Quality of Recreational and Wilderness Activities

The crushing/screening operations would be operated at an existing permitted open-cut pit,

located approximately 3 ½ miles Southeast of the town of Gallup, Montana. For the initial location, operations would not affect access to recreational and wilderness activities in the area because the site is private property that is already used for the mining of gravel. Thus, no changes to recreational and wilderness activities, or access to those activities, would be expected from the operation of the crushing/screening facility. Additionally, noise impacts from the facility would be minimal because the facility would operate within the confines of an existing open cut pit. Also, the facility would be a temporary source, with minor amounts of emissions, and would be located adjacent to an unimproved roadway coming from Aldrich Coulee. Thus, any changes in the quality of recreational and wilderness activities from noise, created by operating the equipment at the site, would be minor and intermittent.

G. Quantity and Distribution of Employment

The crushing/screening operation is a small and temporary source, which would have only minor affects on the quantity and distribution of employment in the area because RMR would use only a few existing employees for the project. Thus, because only a few existing employees would be needed for such operations, any effect on the quantity and distribution of employment in the area would be minor and short-lived.

H. Distribution of Population

The crushing/screening operation is a minor source (relatively small) by industrial standards and only a few employees would be expected for the operation of the facility. Also, no individuals are expected to permanently relocate to the area as a result of operating the crushing/screening equipment. Therefore, this crushing/screening operation would not impact the normal population distribution in the initial area of operation or any future operating site.

I. Demands of Government Services

Minor increases would be seen in traffic on existing roadways in the area while the crushing/screening operations are in progress. In addition, government services would be required for acquiring the appropriate permits from government agencies. Demands for government services would be minor.

J. Industrial and Commercial Activity

The crushing/screening operations would represent only a minor increase in the industrial activity in the given area because of the size of the operations (relatively small by industrial standards) and the portable and temporary nature of the operations. No additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

RMR would be allowed, by permit, to operate in areas designated by EPA as attainment or unclassified, including the initial site location (at the SE¼ of the NE¼ of Section 19, Township 27 North, Range 3 West, in Pondera County, Montana). MAQP #3066-04 would contain limits, which would be protective of air quality and the ambient air quality standards while the facility is operating in these areas, as a locally adopted environmental plan or goal. Additionally, because the facility is a relatively small (by industrial standards) and portable source that will operate at multiple sites, on an intermittent and temporary basis, the Department believes that any impacts to existing air quality in these areas of operation would be minor and short-lived.

L. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area because the source is a portable, temporary source. Minor increases in traffic would have minor effects on local traffic in the immediate area, thus, having a direct effect on the social environment. Because the source is relatively small (by industrial standards) and temporary, only minor economic impacts to the local economy could be expected from the operation of the facility. Thus, minor and temporary cumulative effects would result to the local economy.

Recommendation: An Environmental Impact Statement (EIS) is not required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: All potential effects resulting from construction and operation of the proposed facility are minor; therefore, an EIS is not required.

Other groups or agencies contacted or which may have overlapping jurisdiction: Department of Environmental Quality - Permitting and Compliance Division (Industrial and Energy Minerals Bureau); Montana Natural Heritage Program; and the State Historic Preservation Office (Montana Historical Society).

Individuals or groups contributing to this EA: Department of Environmental Quality (Air and Waste Management Bureau and Industrial and Energy Minerals Bureau), Montana Natural Heritage Program, and State Historic Preservation Office (Montana Historical Society).

EA prepared by: Deanne Fischer
Date: March 22, 2010