Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
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June 10, 2010

Mr. Norman Hanson
Sickler Shale & Gravel, Inc.
255 Sickler Creek Road
Marion, MT 59925

Dear Mr. Hanson:

The Department of Environmental Quality (Department) has made its decision on the Montana Air Quality Permit application for Sickler Shale & Gravel, Inc. – portable crushing and screening operation. The application was given permit number 4548-00. The Department's decision may be appealed to the Board of Environmental Review (Board). A request for hearing must be filed by June 25, 2010. This permit shall become final on June 26, 2010, unless the Board orders a stay on the permit.

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 before the final date stated above. 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, Montana 59620.

Conditions: See attached.

For the Department,

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

Paul Skubinna
Environmental Engineer
Air Resources Management Bureau
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VW:PS
Enclosures

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: Sickler Shale & Gravel, Inc.

Montana Air Quality Permit number: 4548-00

Preliminary Determination Issued: May 20, 2010
Department Decision Issued: June 10, 2010
Permit Final:

1. *Legal Description of Site*: NW ¼ of the SW ¼, Section 33, Township 27 North, Range 24 West, in Flathead County, Montana.

2. *Description of Project*: Sickler owns and operates a trailer mounted portable non-metallic mineral crushing and screening facility. For typical set-up and operation unprocessed aggregate or fragmented stone is loaded into plate feeder/grizzly screen. Grizzly pass-through lands on the main screen conveyor and is whereby it is transferred into the triple deck screen. Reject from the course and medium screens feed the jaw crusher and roller crusher, respectively, while pass-through from the medium screen falls onto the fine screen. Reject from the fine screen drops onto the delivery stacker conveyor and pass-through from the fine screen drops onto the sand conveyor/stacker. The jaw and roller crushers pass-through is collected on a conveyor, which deposits the recycle material on the rotovater, whereby it is transferred onto the primary screen conveyor and reprocessed through the plant.

3. *Objectives of Project*: At its initial location, the project objective is to produce aggregate sub-base and construction materials in support of road construction and maintenance efforts and other construction activities.

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 Sickler 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 #4548-00.

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						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:

The crushing and screening plant would initially be located in an existing disturbed area/gravel pit. Similarly, as the facility moves from location to location it would be expected to locate within existing gravel pits or industrial sites due to the nature of business conducted by the operation. Therefore, impacts to bordering terrestrial and aquatic life and their habitats is expected to be minor due to noise produced by the operation and the potential for limited amounts of airborne particulate deposition caused by the facility.

B. Water Quality, Quantity and Distribution:

Water would be used for dust suppression on the surrounding roadways and areas of operation and for particulate emission control during operations. Water use would be relatively minor, therefore impacts on water quantity are expected to be minor. No impacts to ground water quality from pollutant infiltration are expected because PM suppression would be on an as-needed basis, saturated conditions would not be maintained within material or along haul roads. The facility has not proposed to discharge industrial waste water to state surface water, furthermore storm water run-off from the facility would be subject to control and permitting under the Montana Pollutant Discharge Elimination System as applicable. Therefore, potential impacts to state water quality, quantity and distribution would be minor.

C. Geology and Soil Quality, Stability and Moisture

The crushing and screening operation would initially be located within an existing gravel pit and would likely locate in similar disturbed areas as it move from location to location. In general no additional disturbance would be anticipated by the proposed action; therefore, no impacts, in addition to those permitted for construction and mining of the gravel pit(s) within which it would operate, are expected.

D. Vegetation Cover, Quantity, and Quality

Since no additional land disturbance beyond that for the gravel pit(s) in which this operation would locate is included in this proposed action, potential impacts to vegetative cover, quantity and quality would be minor due to the potential for minor amounts particulate deposition and minor amounts of other air pollutions emitted from this facility.

E. Aesthetics

At its initial location the proposed facility may be visible or heard from US Highway 2, Sickler Creek Road (County) and/or nearby residences. However, the gravel pit that would be its initial location is bordered on all four sides by mature timber, reclamation soil stock-piles are located between the plant and the nearest neighbor and the operation would be conducted at a suppressed elevation level in the bottom of the gravel pit. Therefore, visual and noise aesthetic impacts from the facility would be shielded from common points of observation are expected to be minor. Additionally, MAQP #4548-00 contains provisions requiring control of visible emissions from the plant further decreasing the potential for visual impacts form the facility.

In general as the facility moves from one location to another it would locate at existing industrial facilities or gravel pits where the plant would be difficult to discern from other construction equipment and implements associated with these types of facilities. Therefore, potential visual noise impacts from this facility to aesthetics would be minor.

F. Air Quality

The air quality impacts from the crushing and screening plant operations would be minor because MAQP #4548-00 would include conditions limiting the opacity from the plant, as well as requiring, water spray as necessary, and other reasonable precautions to control air pollution. Further, MAQP #4548-00 would limit total of each individual pollutant emitted from the crushing and screening plant operation and associated equipment owned and operated by Sickler to 250 tons per year or less at any given operating site, excluding fugitive emissions.

Air pollutant deposition caused by the crushing and screening plant operation would be minimal because the amount of pollutants emitted are relatively small, would be controlled, and would are expected to be dispersed (from such factors as wind speed and wind direction). Therefore impacts from this facility would result in only minor impacts to the surrounding environment. Similarly air pollutant deposition and impacts due to emissions from the crushing and screening plant would likely be temporary because these types of facility generally do not remain in one location more than 12 months. Overall, any air quality impacts resulting from the proposed crushing and screening plant operation would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The initial location of this facility is within the established range of the Gray Wolf (*Canis lupis*), Fisher (*Martes pennanti*), Wolverine, (*Gulo gulo*) and Canada Lynx (*Lynx Canadensis*). The following table indicates the rank and Agency status of each of these species.

Species of Concern	Rank		Agency Status		
	State	Global	US Fish and Wildlife Service	US Forest Service	US Bureau of Land Management
Gray Wolf	S3	G4	DM	Sensitive	Sensitive
Fisher	S3	G5	--	Sensitive	Sensitive
Wolverine	S3	G5	--	Sensitive	Sensitive
Canada Lynx	S3	G5	LT	Threatened	Special Status

S3/G3 = Potentially at risk because of limited and/or declining numbers, range, and habitat, even through it may be abundant in some areas.

S4/G4 = Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.

G5/S5 = Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

DM (USFWS) = Recovered, delisted, and being monitored – A specie previously listed by USFWS that is now recovered, has been delisted, and is being monitored.

LT (USFWS) = Listed threatened – Likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Sensitive (USFS) = Species which Regional Forester has determined there is a concern for population viability within the state, as evidenced by a significant current or predicted downward trend in populations or habitat.

Sensitive (USBLM) = Species that normally occur on Bureau administered lands for which BLM has the capability to significantly affect the conservation status of the species through management and have been given "Sensitive" status by another Agency.

Threatened (USFS) = Listed as threatened (LT) by USFWS.

Special Status (USBLM)= Species has been given special status by USFWS.

Information provided by the Montana Natural Heritage Program, Natural Resources Information System indicated known occurrences of all four of these sensitive species near the proposed location of this project have been documented within the last decade. Minor secondary impacts to habitat and/or organisms foraging or hunting within habitat adjacent the gravel pit would be expected as noise or dust may disrupt use of these areas or cause avoidance. However, direct impacts to species of concern are expected to be minor as the current land use at the proposed project location is disturbed and an existing gravel pit that does not provide suitable hunting or foraging habitat for the individual organisms.

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

Due to the relatively small size of the facility and relatively low potential to emit regulated air pollutants, the crushing and screening plant operation would result in only minor demands on the environmental resources of water, air, and energy for normal operations. Small quantities of water would be used for dust suppression and would control particulate emissions generated through equipment operations and vehicle traffic at the site. Energy requirements would be accommodated in part through the use of compression ignition engine that supply direct drive power to the mechanical systems. Impacts to air resources would be minor because the source would be small by industrial standards, and would generate relatively minor amounts of regulated pollutants through normal operations.

Overall, any impacts to the above-cited physical and biological resource of the human environment of project areas would be minor because the proposed crushing and screening plant operation would initially and typically operate within areas designated for such operations. Therefore, the overall industrial nature of the area would not change as a result of the proposed project and any associated impacts would be minor.

I. Historical and Archaeological Sites

At this time no previously recorded sites are within the initial project area and the likelihood cultural properties would be impacted by this project is low. Therefore, a recommendation for a cultural resource inventory would be unwarranted at this time.

In general, as the facility moves from one location to another, it would locate in previously disturbed areas such as existing industrial facilities or gravel pits. Therefore, potential impacts to historical and archeological sites would be minor. However, should cultural materials be inadvertently discovered at initial of future location of this facility the State Historic Preservation Offices should be contacted and the site investigated.

J. Cumulative and Secondary Impacts

The proposed facility would be expected to move from place to place operating as a stand-alone operation or in support of other similar types of operations both in its initially proposed location and in locations throughout the state. The crushing and screening plant operation would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment of a given area of operation because the facility would emit regulated air pollutants, have some visible profile and noise would be generated from equipment operations. Emissions and noise would cause minor disturbance to a given area because the equipment is relatively small by industrial standards and the facility would initially and typically operate in areas designated and used for such industrial 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.

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
B. Cultural Uniqueness and Diversity

The crushing and screening plant operation would cause no disruption to social structure or cultural uniqueness and diversity of the human environment in any given area of operation because the source would be a minor industrial source of emissions, would initially and typically operate in an existing industrial site used for such purposes, and would operate on a temporary basis. The predominant use of the surrounding area would not change as a result of the proposed project.

C. Local and State Tax Base and Tax Revenue

The crushing and screening plant operations would have little, if any, impact on the local and state tax base and tax revenue because the facility would be a minor industrial source and would conduct only seasonal and intermittent operations. The facility would require the use of approximately 8 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 would be minor because the source would be portable and the money generated for taxes would be widespread.

Overall, any impacts to the above-cited economic and social resource of the human environment of any given project area would be minor because the proposed crushing and screening plant operation would initially and typically operate within areas designated for such operations. Therefore, the overall local and state tax base and tax revenue of any given area would not change as a result of the proposed project and any associated impacts would be minor.

D. Agricultural or Industrial Production

The initial location of this facility would located on a property logged 15 years ago, thus available agricultural resources have been removed from the property. As no additional land disturbance is proposed by this action no additional impacts to agricultural production would be expected. Minor impacts to industrial production would be expected as the facility described in the proposed action produces a construction material. However, the proposed operation remains relatively small by industrial standards. Overall, potential impacts to agricultural and industrial production are expected to be minor.

E. Human Health

MAQP #4548-00 includes limits and conditions to ensure that the crushing and screening plant facility 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.

F. Access to and Quality of Recreational and Wilderness Activities

Noise from the facility would be minor because the crushing and screening plant operation would be small by industrial standards and would initially and typically operate in areas used for such operations and frequently located on private land where public recreation and wilderness opportunities frequently are not available. As a result, the amount of noise generated from the crushing and screening plant operation would be minimal for the area. Therefore, any impacts to the quality of recreational and wilderness activities created by the proposed project would be expected to be minor and short-lived. Similarly, the crushing and screening plant operation would initially and typically operate within areas designated for such operations and frequently on private land; therefore, impacts to access to recreational and wilderness areas are expected to be minor or insignificant. Overall potential impacts to access to and quality of recreational and wilderness activities are expected to be minor.

G. Quantity and Distribution of Employment
H. Distribution of Population

The proposed crushing and screening plant operation would require approximately 2 employees to operate thereby resulting in little, if any, permanent immigration into or emigration out of a given area. Therefore, the proposed project would not impact the above-cited economic and social resources of the human environment at the initially proposed or any other given operating site.

I. Demands for Government Services

Minor increases would be seen in traffic on existing roadways in the area while the crushing and screening plant operation is in progress. In addition, 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. Overall, any demands for government services would be minor.

J. Industrial and Commercial Activity

The crushing and screening plant operation would represent only a minor increase in the industrial activity in the proposed initial or any future area of operation because the source would be a relatively small industrial source that would be portable and temporary in nature. No significant additional industrial or commercial activity would be expected as a result of the proposed operation crushing and screening operation.

Overall, any impacts to industrial and commercial activity of the human environment from the project area would be minor because the proposed crushing and screening plant operation would initially and typically operate within areas designated for such operations. Therefore, the overall industrial nature of the area would not change as a result of the proposed project and any associated impacts would be minor.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans or goals in the proposed initial area of operation or any future operating site because MAQP #4548-00 would allow for operations at various locations throughout the state (and unknown at this time). However, if the plant moved to an area classified as non-attainment for PM_{10}, the operation would be required to apply for and receive an addendum to MAQP #4548-00 prior to operation at the site. The addendum would include more restrictive requirements to protect the non-attainment area from further degradation. The state standards would be protective of any proposed area of operation.

L. Cumulative and Secondary Impacts

The crushing and screening plant operations as proposed at its initial location would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area of operation.

The source would be a portable and temporary source. Few, if any, other industrial operations would be expected to result from the permitting and operation of this facility. Minor increases in traffic would have minor effects 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.

Overall, the proposed crushing and screening plant operation would result in only minor and temporary secondary and cumulative impacts to the social and economic aspects of the human environment of the initially proposed and any future operating site.

Recommendation: No Environmental Impact Statement (EIS) is required.

The current permitting action is for the construction and operation of non-metallic mineral crushing and screening operation. MAQP #4548-00 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: P. Skubinna
Date: April 30, 2010