Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
P. O. Box 200901 Helena, MT 59620-0901 (406) 444-2544 Website: www.deq.mt.gov

July 5, 2010

Mr. Paul Thompson
Jim Gilman Excavating, Inc.
3099 Grand Ave
Butte, MT 59701

Dear Mr. Thompson:

Montana Air Quality Permit #2543-04 is deemed final as of July 3, 2010, by the Department of Environmental Quality (Department). This permit is for a portable asphalt 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: Jim Gilman Excavating, Inc.
3099 Grand Ave
Butte, MT 59701

Montana Air Quality Permit number: 2543-04

Preliminary Determination Issued: 5/17/2010
Department Decision Issued: 6/17/2010
Permit Final: 7/3/2010

1. *Legal Description of Site*: Gilman owns a portable asphalt plant that may operate at various locations throughout Montana.

2. *Description of Project*: The plant operates to produce asphalt at various locations throughout Montana.

3. *Objectives of Project*: Issuance of MAQP #2543-04 would allow for increased flexibility in the operations of generator engines, increase the number of engines allowed from 3 engines to 4 engines, and allow for a net increase in horsepower. However, due to the conditions and limitations that would be place in MAQP #2543-04, only a small increase in allowable emissions would be associated with this action.

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 MAQP to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because Gilman 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 #2543-04.

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

Issuance of MAQP #2543-04 would allow for increased flexibility in the operations of generator engines, increase the number of engines allowed from 3 engines to 4 engines, and allow for a net increase in allowable horsepower. However, due to the conditions and limitations that would be place in MAQP #2543-04, only a small increase in allowable emissions would be associated with this action. Any effects to terrestrial and aquatic life and habitats would be expected to be minor.

B. Water Quality, Quantity and Distribution

No new sources requiring use of water would be expected to result from this permitting action. Water may continue to be required at the site for control of fugitive dust emissions. Therefore, minor, if any, effect to water quality, quantity, and distribution would be expected.

C. Geology and Soil Quality, Stability and Moisture

No new sources requiring use of water would be expected to result from this permitting action. Water may continue to be required at the site for control of fugitive dust emissions. No other factors affecting geology, soil quality, and soil stability are apparent. Effects would be expected to be minor.

D. Vegetation Cover, Quantity, and Quality

Issuance of MAQP #2543-04 would allow for increased flexibility in the operations of generator engines, increase the number of engines allowed from 3 engines to 4 engines, and allow for a net increase in horsepower. However, due to the conditions and limitations that would be place in MAQP #2543-04, only a small increase in allowable emissions would be associated with this action. Effects, if any, to vegetation cover, quantity, and quality would be expected to be minor.

E. Aesthetics

Issuance of MAQP #2543-04 would allow for increased flexibility in the operations of generator engines, increase the number of engines allowed from 3 engines to 4 engines, and allow for a net increase in horsepower. Effects to aesthetics from any increase in noise level would be expected to be minor. No change in the portable manner in which this facility would be permitted to operate would occur in the issuance of MAQP #2543-04. Any effects to aesthetics would be expected to be minor.

F. Air Quality

Issuance of MAQP #2543-04 would allow for increased flexibility in the operations of generator engines, and allow for a net increase in horsepower. However, due to the conditions and limitations that would be place in MAQP #2543-04, only a small increase in allowable emissions would be associated with this action. Therefore, only a small effect to air quality would be expected as a result of issuance of MAQP #2543-04.

G. Unique Endangered, Fragile, or Limited Environmental Resources

In an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources in the initial area of operation, the Department contacted the Montana Natural Heritage Program (MNHP). Search results contained four species occurrences for three species of concern in area previously referenced in prior permits; the Bald Eagle (two occurrences), the Bobolink (a kind of black bird), and the Grey Wolf. Search results for the location referenced in MAQP 2543-04 include the Grey Wolf, and two vascular plants, the Mealy Primrose, and the Ute Ladies' Tresses.

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 nests potentially located within 2.5 miles of the plant operations. 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 facility, the site would fall into an MBEMP "Zone III" classification, representing home range for bald eagles. Zone III is classified as the area from 0.5 mile to 2.5 miles in radius from the nest site (Zone II from 0.25 to 0.5 miles, Zone I from 0 to 0.25 miles). Zone III represents most of the home range used by eagles during nesting season, usually including all suitable foraging habitat within 2.5 miles of all nest sites in the breeding area that have been active within 5 years. The objectives in Zone III areas include maintaining suitability of foraging habitat, minimizing disturbance within key areas, minimizing hazards, and maintaining the integrity of the breeding area.

The current permitting action would allow for more flexibility in operations, however, the allowable emissions increase is relatively small. The allowable emissions increase is presented below:

Net Allowable Emissions Change

	NO_X	CO	SO_X	VOC
MAQP #2428-03	94.2	55.11	8.81	20.22
MAQP #2428-04	98.03	55.94	9.10	20.49
Difference:	3.83	0.83	0.29	0.27

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 plant would be permitted to operate in an area in which operations have previously been permitted, 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 proposed location has previously been permitted for this asphalt operation. With these considerations, the Department has determined that impacts to the Bald Eagles would be expected to be minor.

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 location of this facility is within an area in which operations have previously been permitted. Any impacts to the grey wolf would be expected to be minor.

The Bobolink is a kind of blackbird, and the only member of genus *Dolichonyx*. This species 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."

The Bobolink breeding habitats are open grassy fields, especially hay fields, across North America. Females lay 5 to 6 eggs in a cup-shaped nest, which is always situated on the ground and is usually well-hidden in dense vegetation. These birds migrate to Argentina, Bolivia and Paraguay and often migrate in flocks, feeding on cultivated grains and rice.

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 plant would be permitted for operations in an area in which operations have previously been permitted, 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. With these considerations, the Department has determined that any impacts to the Bobolink would be expected to be minor.

The Mealy Primrose and the Ute Ladies' Tresses are vascular plants. As discussed in Section 7.D of this environmental assessment, impacts to Vegetation Cover, Quantity, and Quality from pollutant deposition would be expected to be minor. Conditions in MAQP #2543-04 would require controls to greatly reduce particulate emissions from this source. The Department had determined that any impacts to vegetation cover would be expected to be minor.

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

The portable asphalt plant would provide its own energy for operation from the portable diesel engine generators. Water would continue to be potentially required for control of fugitive particulate matter emissions in the plant area and surrounding roads. Impacts to air resources would be minimal because the source would be considered a minor industrial source of emissions. Because air pollutants would be controlled, energy requirements would be provided by portable generators, and water use would be expected to be minimal, any impacts to water, air, and energy resources would be expected to be minor.

I. Historical and Archaeological Sites

No change in the portable manner in which this facility would be permitted to operate would occur in the issuance of MAQP #2543-04. Furthermore, the proposed location has previously been permitted for this asphalt operation. Therefore, the permitting action would not be expected to have any effects to historical and archaeological sites.

J. Cumulative and Secondary Impacts

Potential physical and biological effects of any individual considerations above would be expected to be minor. Collectively, the potential cumulative and secondary impacts would be 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

No change in the portable manner in which this facility would be permitted to operate would occur in the issuance of MAQP #2543-04. Emissions would be expected to be intermittent and temporary. Furthermore, portable asphalt plants typically locate within an existing industrial site. Therefore, minor, if any, effects to social structures and mores or cultural uniqueness and diversity would be expected as a result of issuance of MAQP #2543-04.

C. Local and State Tax Base and Tax Revenue

Issuance of MAQP #2543-04 would allow for more operational flexibility. However, limits on the total allowable production of asphalt would remain unchanged. Minor impacts, if any, would be expected as a result of the issuance of MAQP #2543-04.

D. Agricultural or Industrial Production

Issuance of MAQP #2543-04 would allow for increased flexibility in the operations of generator engines, increase the number of engines allowed from 3 engines to 4 engines, and allow for a net increase in horsepower. However, due to the conditions and limitations that would be placed in MAQP #2543-04, only a small increase in allowable emissions would be associated with this action. Any effects to agricultural or industrial production would be expected to be minor.

E. Human Health

Limitations and conditions of MAQP #2543-04 would be derived from rules designed to protect human health. Due to the conditions and limitations that would be place in MAQP #2543-04, only a small increase in allowable emissions would be associated with this action. Therefore, only minor impacts would be expected to human health.

F. Access to and Quality of Recreational and Wilderness Activities

No change in the portable manner in which this facility would be permitted to operate would occur in the issuance of MAQP #2543-04. Emissions would be expected to be intermittent and temporary, with only a small increase in allowable emissions permitted. Furthermore, portable asphalt plants typically locate within an existing industrial site. As discussed in 7.E. above, only a minor change in aesthetics would be expected. Therefore, only minor impacts to the access of, or to the quality of, recreational and wilderness activities would be expected as a result of issuance of MAQP #2543-04.

G. Quantity and Distribution of Employment

No change in the quantity and distribution of employment would be expected as a result of permit issuance.

H. Distribution of Population

No change in the portable manner in which this facility would be permitted to operate would occur in the issuance of MAQP #2543-04. Furthermore, no change in the quantity and distribution of employment would be expected. Therefore, no change in the distribution of population would be expected as a result of issuance of MAQP #2543-04.

I. Demands for Government Services

A very slight increase in demand for government services would be expected. The facility would be permitted as a synthetic minor (a facility with the potential to emit below the Title V permitting threshold of 100 tons per year of any pollutant, less than 25 tons per year of all hazardous air pollutants combined, and less than 10 tons per year of any singe hazardous air pollutant), and allowable emissions would remain at or above 80% of the Title V limit. To allow for increased operational flexibility, separate limits would be placed in MAQP #2543-04 for each generator engine purpose. Therefore, a slight increase in time for the review of information to determine compliance with permit conditions would be expected. No other changes to demands for government services would be expected.

J. Industrial and Commercial Activity

The proposed modification of permit limits would allow for more operational flexibility. No change to the total amount of allowed asphalt production would occur. Any effects to industrial and commercial activity would be expected to be minor.

K. Locally Adopted Environmental Plans and Goals

The Department is unaware of any locally adopted environmental plans and goals in the proposed initial project location. MAQP #2543-04 would contain conditions and limitations for protecting air quality and to keep facility emissions in compliance with state and federal ambient air quality standards. Furthermore, because the facility would be expected to have intermittent and seasonal operations, any impacts from the facility would be expected to be minor and short-lived.

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 operation of generator engines associated with a portable asphalt plant. MAQP #2543-04 would include 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, Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: Shawn Juers
Date: 04/13/2010