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July 26, 2011

Mr. Lance Phillips
ALL B. Excavating Co., Inc.
60 Highway 335
Sheridan, WY 82201

Dear Mr. Phillips:

Montana Air Quality Permit #4668-00 is deemed final as of July 26, 2011, by the Department of Environmental Quality (Department). This permit is for a portable non-metallic mineral processing facility and associated equipment. 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
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Doug Kuenzli
Environmental Science Specialist
Air Resources Management Bureau
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VW:DCK
Enclosure

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air Resources Management Bureau
P.O. Box 200901, Helena, MT 59620
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FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued To: A. B. Excavating Co., Inc.
60 State Highway 335
Sheridan, WY 82801

Montana Air Quality Permit number: 4668-00

Preliminary Determination Issued: June 20, 2011

Department Decision Issued: July 8, 2011

Permit Final: July 26, 2011

1. *Legal Description of Site:* A. B. Excavating proposed to operate a portable nonmetallic mineral processing facility, which would initially be located in Section 32, Township 8 South, Range 40 East within Big Horn County, Montana. However, MAQP #4668-00 would apply while operating at any location in Montana, except those areas having a Department approved permitting program, areas considered tribal lands, or areas in or within 10 km of PM₁₀ nonattainment areas. A Missoula County air quality permit would be required for locations within Missoula County, Montana. An addendum would be required for locations in or within 10 km of certain PM₁₀ nonattainment areas.
2. *Description of Project:* The Department received a permit application from A. B. Excavating for the proposed operation of a portable crushing and screening facility with a maximum rated design process rate of 350 tons per hour. The proposed mineral processing equipment utilized by A. B. Excavating are track mounted self-propelled units which not require auxiliary power. A single diesel-fired engine generator set which provides supplemental electric power to the project site would have a maximum design capacity of 180 hp. A. B. Excavating has requested that this permit be written in a de minimis friendly manner.
3. *Objectives of Project:* The object of the project would be to produce business and revenue for the company through the sale and use of aggregate. The issuance of MAQP #4668-00 would allow A. B. Excavating to operate the permitted equipment at various locations throughout Montana (as described above), including the proposed initial site location.
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 MAQP #4668-00 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 #4668-00.
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			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

This permitting action would expect to have a minor effect on terrestrial and aquatic life and habitats, as the initial project would occur within an existing approved open cut mine. Any subsequent locations would likely be commercial gravel pit locations that have already been disturbed. Furthermore, the air emissions would have only minor effects on terrestrial and aquatic life because facility emissions would be well dispersed in the area of the operations (see Section 7.F of this EA) and would expect to have intermittent and seasonal operations. Therefore, only minor and temporary effects to terrestrial and aquatic life and habitat would be expected from the proposed project.

B. Water Quality, Quantity and Distribution

Water would be required for dust suppression on the surrounding roadways and general facility area. This water use would expect to only cause minor, if any, impacts to water resources because the facility would require a small volume of water. In addition, the facility would emit air pollutants, and corresponding deposition of pollutants would occur, as described in Section 7.F. of this EA. However, the Department determined that, due to dispersion characteristics of pollutants and conditions that would be placed in MAQP #4668-00, any impacts from deposition of pollutants on water quality, quantity, and distribution would be expected to be minor.

C. Geology and Soil Quality, Stability and Moisture

Only minor impacts from deposition of air pollutants on soils would be expected (as described in Section 7.F of this EA) and only minor amounts of water would be used for pollution control, and would be used, only as necessary, in controlling particulate emissions. Thus, only minimal water runoff would occur. Since only minor amounts of pollution would be generated and corresponding emissions would be widely dispersed before settling upon surrounding soils

and vegetation (as described in Section 7.D of this EA), impacts would be expected to be minor. Therefore, any effects upon geology and soil quality, stability, and moisture from air pollutant emissions from equipment operations would be expected to be minor and short-lived.

D. Vegetation Cover, Quantity, and Quality

Only minor impacts would be expected to occur on vegetative cover, quality, and quantity because the facility would operate in an area where vegetation has been previously disturbed. During operations, the facility would be a relatively minor source of emissions and the pollutants would be greatly dispersed (as described in Section 7.F of this EA); therefore, deposition on vegetation from the proposed project would be minor. Since water usage would be minimal (as described in Section 7.B of this EA) and the associated soil disturbance from the application of water and water runoff would be minimal (as described in Section 7.C of this EA), corresponding vegetative impacts would be expected to be minor.

E. Aesthetics

The crushing facility would be visible and would create noise while operating at the proposed site. However, Permit MAQP #4668-00 would include conditions to control emissions, including visible emissions, from the plant. The facility would be portable, would operate on an intermittent and seasonal basis, and would be a small industrial source. Therefore, any visual aesthetic impacts would be short-lived and minor.

F. Air Quality

Air quality impacts from the proposed project would be minor since the facility would be relatively small and operate on an intermittent and temporary basis. MAQP #4668-00 would include conditions limiting the facility's opacity; require water and water spray bars be available on site and used to ensure compliance with opacity standards; and limit the facility's crushing production.

Further, the Department determined that this crushing/screening facility would be a minor source of emissions as defined under the Title V Operating Permit Program as source's potential to emit is below the major source threshold level of 100 TPY for any regulated pollutant. Pollutant deposition from the facility would be expected to be minimal because the pollutants emitted would be widely dispersed (from factors such as wind velocity and wind direction) and would have minimal deposition on the surrounding area. Therefore, air quality impacts from operating the crushing facility in this area would be expected to be minor.

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 proposed area of operation, the Department contacted the Natural Resource Information System – Montana Natural Heritage Program. Search results concluded there are fifteen species of concern within the area. The search area, in this case, is defined by the section, township, and range of the proposed site, with an additional 1-mile buffer. The known species of concern include the following vertebrate animals:

1. Northern Leopard Frog (Sensitive)
2. Plains Spadefoot (Sensitive)
3. Great Blue Heron (At Risk)
4. Golden Eagle (At Risk)
5. Greater Sage-Grouse (Sensitive)
6. Yellow-billed Cuckoo (Sensitive)
7. Sage Thrasher (Sensitive)
8. Loggerhead Shrike (Sensitive)
9. Brewer's Sparrow (Sensitive)

10. Grasshopper Sparrow (At Risk)
11. Townsend's Big-eared Bat (Sensitive)
12. Greater Short-horned Lizard (Sensitive)
13. Common Sagebrush Lizard (At Risk)
14. Western Hog-nosed Snake (Sensitive)
15. Milksnake (Sensitive)

Based on the impacts presented by similar permitted crushing and screening operations and the remote potential that any vertebrate animal species of concern would be located within the operational area of the project, any effects on the local populations would be expected to be minimal.

Initial operations would take place within a previously disturbed open cut mine and subsequent location would likely occur within existing industrial locations, further limiting the potential for impact to any unique endangered, fragile, or limited environmental resource. Therefore, the overall industrial nature of the area would not change as a result of the proposed project and any associated impacts would be expected to be minor

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

Due to the relatively small size of the project, any demand on environmental resources would expect to be minor. Small quantities of water would be required for dust suppression of particulate emissions generated at the site. Demands on air resources would be minor as the emissions from the source will be well controlled, intermittent, and seasonal. Energy demands would also be small and provided on-site through the operation of diesel-fired generators. In conclusion, overall impacts to water, air, and energy resources would be expected to be minor.

I. Historical and Archaeological Sites

The Department 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 initial location of the facility. Search results concluded that there were several previously recorded historical or archaeological resources of concern within the search area surrounding the proposed site for initial operation of the processing plant. However, these historic sites were not on the project site. Additional searches were conducted on the property in association with the open cut mine permit that was issued for this site.

According to correspondence from the Montana State Historic Preservation Office, there would be a low likelihood of adverse disturbance to any known archaeological or historic site given the nature of the site. Therefore, no impacts upon historical or archaeological sites would be expected as a result of operating the proposed crushing/screening plant.

J. Cumulative and Secondary Impacts

Operation of the portable crushing/screening plant would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because it would be located at a newly constructed gravel pit and would be limited in the amount of air emissions generated. Emissions and noise generated from the equipment would, at most, result in only minor impacts to the area of operation because it would be seasonal and temporary in nature. Additionally, this facility, in combination with other emissions from equipment operations would not be permitted to exceed 250 tons per year of non-fugitive emissions of an individual pollutant. Overall, cumulative and secondary impacts to the physical and biological aspects of the human environment would expect 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				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 crushing facility would cause no disruption to the social structures and mores in the area because the source would be a minor industrial source of emissions and would only have temporary and intermittent operations. Further, the facility would be required to operate according to the conditions that would be placed in MAQP #4668-00, which would limit the effects to social structures and mores.

B. Cultural Uniqueness and Diversity

Since the initial location is sited within a newly constructed open cut mine the cultural uniqueness and diversity of this area would not be impacted by the operation of the proposed crushing/screening facility.

C. Local and State Tax Base and Tax Revenue

Only minor impacts to the local and state tax base and revenue could be expected from the employees and facility production. According to A. B. Excavating the facility would employ a limited number of additional employees, if any, during the operating season. However, as the facility is portable and temporary, it is unlikely that people would move to the area as a result of this project. Impacts to local tax base and revenue would be minor and short-term since the source would be portable and the money generated for taxes would be widely distributed.

D. Agricultural or Industrial Production

The proposed project would have a minor impact on local industrial production since the facility would increase gravel production and air emissions only slightly. Minimal deposition of air pollutants would be expected to occur on the surrounding land (as described above in Section 7.F), whereby effects on the surrounding vegetation or agricultural production would be expected to be minor.

E. Human Health

MAQP #4668-00 would incorporate conditions to ensure that the crushing and screening 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. As described in Section 7.F. of this EA, the air emissions from this facility would be minimized by the use of water spray and other operational limits. Additionally, the facility would be operating on a temporary and seasonal basis. Therefore, only minor impacts would be expected on human health from the proposed project.

F. Access to and Quality of Recreational and Wilderness Activities

Access to recreational opportunities would not be limited or modified by this facility. The equipment would be located within a designated industrial site that has been established for similar use. All recreational opportunities, if available in the area, would still be accessible. Noise from the facility would be minimal to surroundings because of the facility size, expected hours of operation, and rural location. The applicant has stated that the facility would operate on a seasonal and intermittent basis. The source will operate on private land and the Department has determined that the project would be a minor industrial source of emissions. Therefore, any changes in the quality of recreational and wilderness activities created by operating the equipment at this site are expected to be minor.

G. Quantity and Distribution of Employment

The portable crushing/screening operation would be used in association with open cut mine project and the operations at this location would be temporary. No individuals would be expected to permanently relocate to this area as a result of operating the crushing/screening facility. Therefore, no effects upon the quantity and distribution of employment in this area would be expected.

H. Distribution of Population

Based on information from A. B. Excavating the facility would require employment of limited number of individuals. However, since the facility would be based out of Wyoming and this project site is temporary, no increase in local employment would be expected. Therefore, the operation would not impact the normal population distribution in the initial area of operation or any future operating site.

I. Demands for Government Services

While the crushing and screening facility is operating a minor increase in traffic may be noted on existing roadways in the area. 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. However, demands for government services would expect to be minor.

J. Industrial and Commercial Activity

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

K. Locally Adopted Environmental Plans and Goals

A. B. Excavating would be allowed through issuance of MAQP #4668-00, to operate in areas designated by EPA as attainment or unclassified for ambient air quality. An Addendum would be required to operate in or within 10 km of a PM₁₀ nonattainment area. MAQP #4668-00 would contain operational restrictions for protecting air quality and to keep the facility's emissions in compliance with any applicable ambient air quality standards, as well as, any locally adopted environmental plan or goal. Because the proposed crushing and screening facility would be a portable source and would have intermittent and seasonal operations, any impacts from the project would be minor and short-lived.

L. Cumulative and Secondary Impacts

The operation of the crushing and screening facility would present only minor cumulative and secondary impacts to the social and economic aspects to the human environment within the immediate area of operation, as the source would be a portable and temporary. A slight increase 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. Further, this facility may be operated in conjunction with other equipment owned and operated by A. B. Excavating, but any cumulative impacts upon the social and economic aspects of the human environment would be minor and short-lived. Thus, only minor and temporary cumulative effects would be expected on the local economy.

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 crushing and screening facility. MAQP #4668-00 includes 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: D. Kuenzli
Date: June 3, 2011