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

PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: August 15, 2011

Name of Applicant: C&S Construction, Inc.

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 3163-04.

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 August 30, 2011. 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
Air Permitting Program Supervisor
Air Resources Management Bureau
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Craig Henrikson

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VW:CH
Enclosure

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air Resources Management Bureau
1520 East Sixth Avenue
P.O. Box 200901
Helena, Montana 59620-0901
(406) 444-3490

DRAFT ENVIRONMENTAL ASSESSMENT (EA)

Issued For: C&S Construction
P.O. Box 797
Billings, MT 59103

Permit Number: #3163-04

Preliminary Determination on Permit Issued: August 15, 2011
Department Decision Issued:
Permit Final:

1. *Legal Description of Site*: The location of the portable crushing/screening plant will be at the NW¼ of the SE¼ of Section 15, Township 1 North, Range 26 East, Yellowstone County, Montana. In addition, Permit #3163-04 would apply while operating at any location in the state of Montana, except within those areas having a Department approved permitting program. *A Missoula County air quality permit would be required for locations within Missoula County, Montana*.

2. *Description of Project*: The permit application is for the modification of MAQP #3163-03 for a portable crushing and screening plant. The modified plant operation would include two crushers, two generators, an independent screen, an integral screen associated with the cone crusher, two diesel generators, and a number of conveyors and auxiliary equipment. The process description is discussed in the permit analysis Section I.B of Permit #3163-04.

3. *Objectives of Project*: The permit would allow C&S to crush and screen for the purpose of producing stockpiles of products at the site.

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 C&S 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 listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in MAQP #3163-04.

6. *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 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 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, if any present, would use the same areas that the crushing/screening operations currently occupy although since the site is currently an industrial operation no impact is likely. Additionally, no impact is expected on aquatic life as aerial pictures do not indicate any surface water is present on site or nearby. Therefore, minor if any impacts are expected for terrestrial and/or aquatic habitats.

B. Water Quality, Quantity, and Distribution

The modified permit represents a decrease in potential to emit (PTE) over MAQP #3163-03 and there would be minor impacts on water quality quantity, and distribution because of the temporary nature, size, operational requirements, and conditions placed in MAQP #31630-04 for the facility. Further, as described in Section 7.F of this EA, the Department determined that any impacts from deposition of pollutants would be minor. In addition, any accidental spills or leaks from equipment would be required to be handled according to the appropriate environmental regulations in an effort to minimize any potential adverse impact on the immediate and surrounding area. Water would be used for dust suppression, but would only cause a minor disturbance to the area.

C. Geology and Soil Quality, Stability, and Moisture

As a result of the portable crushing/screening plant operation, there would be minor impacts to the geology and soil quality, stability, and moisture near the equipment's operational area because of the increased vehicle traffic and deposition of pollutants the facility. As explained in Section 7.F of this EA, the facility's size, operational requirements, and conditions placed in MAQP #3163-04 would minimize the impacts from deposition. Operations similar to those currently occurring under MAQP #3163-03 would continue to occur with limited potential impact to the local geology and soil quality, stability, and moisture.

D. Vegetation Cover, Quantity, and Quality

Because the proposed operations are similar to those already at the site, no negative impacts on vegetative cover, quantity, and quality from the deposition of pollutants are expected.

E. Aesthetics

The crushing/screening operations would be visible to some of the closest neighbors and would likely have similar noise as the current operations. However, MAQP #3163-04 would include conditions to control emissions, including visible emissions, from the plant. The facility would remain at its' present location to support projects in the surrounding communities. Therefore, any aesthetic and noise impacts would be minor.

F. Air Quality

The air quality emission impacts from the crushing/screening plant operations would be minor because MAQP #3163-04 would include conditions limiting the visible emissions (opacity) from the plant and reducing the hours of operation to limit emissions of air pollution. In addition, the facility would be required to utilize water spray bars and other means to control air pollution. The operations would be limited by MAQP #3163-04 to total particulate emissions of 250 tons/year or less from non-fugitive sources at the plant, in addition to any additional equipment at the site. Because of the size and temporary nature of the operation and conditions placed in MAQP #3163-04, impacts from the deposition of pollutants would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The proposed project would have no impact on any unique endangered, fragile, or limited environmental resources. The Department, in an effort to identify any species of special concern associated with the proposed site location, contacted the Montana Natural Heritage Program (MNHP). Search results have concluded there are ten species of concern in the area. The species of concern identified in the search include the following vertebrate animals:

1. Bald Eagle (sensitive)
2. Greater Sage Grouse (sensitive)
3. Yellowstone Cutthroat Trout (sensitive)
4. Spotted Bat (sensitive)
5. Greater Short-horned Lizard (sensitive)
6. Western Hog-nosed Snake (sensitive)
7. Milksnake (sensitive)
8. Great Blue Heron
9. Pinyon Jay
10. Common Sagebrush Lizard

Given the site is currently in use for crushing and screening, minimal additional, if any impacts are expected to the species of concern noted by the MNHP.

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

The operation of the crushing/screening facility would only require small quantities of water, air, and energy for proper operation, due to the relatively small size of the facility. Small amounts of water would be used for dust control within the C&S site. As described in Section 7.F of this EA, pollutant emissions generated from the facility would have minimal impacts on air quality in the immediate and surrounding area. Energy would be generated from the portable generator, so no

other sources of power would be necessary to operate the facility. The generator would consume energy in the form of diesel fuel, a non-renewable resource. Overall, the equipment is relatively small and would have operational restrictions placed in MAQP #3163-04. Because the facility operations would be seasonal and temporary, demands and impacts to the environmental resource of water, air and energy would be minor.

I. Historical and Archaeological Sites

The crusher/screener operations would be located in the existing C&S parcel. According to the Montana State Historic Preservation Office, there is low likelihood of adverse disturbance to any known archaeological or historic site, given previous industrial disturbance within the area. Therefore, the operation would not have an effect on any known historic or archaeological site.

J. Cumulative and Secondary Impacts

The crusher/screener operations would cause minor cumulative and secondary impacts to the physical and biological environment in the immediate area because the plant would generate small emissions of particulate matter and PM-10. The Department expects this facility to operate in compliance with all applicable rules and regulations as would be outlined in MAQP #3163-04.

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 Department has prepared the following comments.

A. Social Structures and Mores

The operation of the crusher/screener facility would not alter or disrupt any local lifestyles or communities (social structures or mores) in the area of operation because the facility currently exists and the proposed modifications are minor. Therefore, the existing social structures and mores would not be affected as a result of this permitting action.

B. Cultural Uniqueness and Diversity

The crusher/screener plant operations would have no impact on the cultural uniqueness and diversity of the area because the source is existing, and operating at the site allowed under MAQP #3163-03.

C. Local and State Tax Base and Tax Revenue

The crusher/screener operations would have minor effects on the local and state tax base and tax revenue because the facility would be a seasonal source; therefore, it would not likely provide significant permanent employment. C&S expects to employ 4 employees on a seasonal or temporary basis.

D. Agricultural or Industrial Production

The crusher/screener plant operations proposed project would be located in the existing C&S site. Further, the crusher/screener operations are essentially within an existing industrial setting and, thus, would have only a minor impact on local industrial production.

E. Human Health

MAQP #3163-04 would incorporate conditions to ensure that the crusher/screener operations 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. Since these conditions would be incorporated, only minor impacts would be expected from this crusher/screener facility.

F. Access to and Quality of Recreational and Wilderness Activities

The crusher/screener operations would not affect any access to recreational and wilderness activities because of the lack of wilderness areas in the proximity. However, minor effects on the quality of recreational activities in the vicinity could occur due to minor noise and minor particulates from the facility.

G. Quantity and Distribution of Employment

The crusher/screener operations would have a minor effect on the quantity and distribution of employment in the area because C&S would employ a minimal number of employees. These employees would be employed by C&S on a seasonal or temporary basis and are likely already residents from nearby communities.

H. Distribution of Population

The crusher/screener plant operations would not disrupt the normal population distribution in the area because the proposed modification is relatively consistent with the current operations under MAQP #3163-04.

I. Demands of Government Services

Minor increases would be seen on traffic on existing roadways in the area while the crusher/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 crusher/screener batch plant operations would represent only a minor increase in the industrial activity in the given area because small size of the operations and the portable and seasonal nature of the facility. No other known additional industrial or commercial activity is expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans or goals that would be affected by the proposed project. The state and national ambient air quality standards would protect the proposed site and the environment surrounding the site.

L. Cumulative and Secondary Impacts

The crusher/screener plant operations would cause minor cumulative and secondary impacts to the social and economic environment in the immediate area because the facility is a considered a portable, temporary source. Small increases in traffic would have minor effects on local traffic in the immediate area although the current permit modification PTE is less than that of the previous MAQP #3163-04. Because the source is a relatively small, temporary source, only minor economic impacts to the local economy could be expected from the operation of the facility. The Department believes that this facility could be expected to operate in compliance with all applicable rules and regulations as would be outlined in MAQP #3163-04.

Recommendation: An 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. In addition, the source would be applying the Best Available Control Technology and the analysis indicates compliance with all applicable air quality rules and regulations.

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

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

EA Prepared By: Craig Henrikson
August, 5, 2011