



PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: October 17, 2012

Name of Applicant: Gavilon Grain, LLC

Source: Grain Elevator

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 4751-00.

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 November 1, 2012. 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,

Julie Merkel
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-3490

Shawn Juers
Environmental Engineer
Air Resources Management Bureau
(406) 444-2049

VW:SJ
Enclosures

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

DRAFT ENVIRONMENTAL ASSESSMENT (EA)

Issued To: Gavilon Grain, LLC
 11 ConAgra Drive
 Omaha, NE 68102

Montana Air Quality Permit Number: 4751-00

Preliminary Determination Issued: 10/17/2012

Department Decision Issued:

Permit Final:

1. *Legal Description of Site:* Southeast 1/4, Section 16, Township 14 North, Range 16 East in Fergus County, Montana. The physical address is 117 1st Street SW, Moore, MT 59464
2. *Description of Project:* Gavilon Grain, LLC (Gavilon) owns and operates a grain elevator. The facility receives, cleans, dries, stores, and ships grain. Grain is shipped via truck and/or rail.
3. *Objectives of Project:* To receive, store, clean, dry, and ship grain.
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 Gavilon 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 #4751-00.
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			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

		Major	Moderate	Minor	None	Unknown	Comments Included
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

Terrestrials may be present in the general area of the facility. The Department would expect minor, if any, effects to terrestrial and aquatic life and habitats as a result of issuance of MAQP #4751-00, as the facility has been in operation since 1906.

B. Water Quality, Quantity and Distribution

Water may be used in the general area for purposes of dust suppression. The Department would expect no more than minor impacts to water quality, quantity and distribution.

C. Geology and Soil Quality, Stability and Moisture

Minor, if any, impacts to geology would be expected as a result of issuing MAQP #4751-00. Dust suppression via water and/or chemical dust suppressant would be required to control emissions from unpaved haul roads and the general plant area. Minor impacts to soil quality, stability, and moisture would be expected.

D. Vegetation Cover, Quantity, and Quality

MAQP #4751-00 would contain conditions and limitations derived from rules intended to protect air quality. Deposition of particulate matter would be expected, however, the impacts to vegetation cover, quality, and quantity would be expected to be minor. Furthermore, the current permit action permits the operations and modification of an existing and operating facility.

E. Aesthetics

The Department would expect no more than minor impacts to aesthetics in the area as the facility is currently existing and operating.

F. Air Quality

MAQP #4751-00 would contain conditions and limitations derived from rules intended to protect air quality. Furthermore, the current permit action would permit operations and modification of an existing facility. No more than minor impacts would be expected as a result of issuance of MAQP #4751-00.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department contacted the Montana Natural Heritage Program requesting any information available regarding records of species of special concern in the general area. No records were found.

MAQP #4751-00 would contain conditions and limitations derived from rules intended to protect air quality. The Department would expect no more than minor impacts to any unique endangered, fragile, or limited environmental resources in the area.

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

MAQP #4751-00 would contain limitations and conditions derived from rules intended to protect air quality. Use of water as a dust suppressant may be required at times. No significant long term increase in energy demands at the facility would be expected as a result of issuance of this permit. The Department would expect no more than minor impacts to water, air, and energy resources.

I. Historical and Archaeological Sites

The Department contacted the Montana Historical Society’s State Historic Preservation Office, requesting any known information regarding the presence of cultural resources in the area.

A file search of the cultural resource information systems indicated that railroad and a trash dump which would be considered historic are in the general area. Neither site is registered with the national register of historic places.

MAQP #4751-00 would be issued for an existing and operating grain elevator. The Department would expect no more than minor impacts to these cultural resources.

J. Cumulative and Secondary Impacts

The Department determined that the impacts to the individual physical and biological considerations above to be minor. Cumulatively and secondarily, the department would expect only minor physical and biological impacts as a result of issuance of MAQP #4751-00.

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

		Major	Moderate	Minor	None	Unknown	Comments Included
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

The current permit action is for operations and modification of an existing grain elevator. No additional employment is expected as a result of this permitting action. The Department would expect minor, if any, changes to social structures and mores or cultural uniqueness and diversity as a result of this permitting action.

- C. Local and State Tax Base and Tax Revenue

The current permit action is for operations and modification of an existing and operating grain elevator. No more than minor impacts to local and state tax base and revenue would be expected as a result of issuing MAQP #4751-00.

- D. Agricultural or Industrial Production

The current permit action is for operations and modification of an existing and operating grain elevator. No more than minor impacts to agricultural or industrial production would be expected as a result of issuing MAQP #4751-00.

- E. Human Health

MAQP #4751-00 would contain conditions and limitations derived from rules intended to protect human health. The Department would expect no more than minor impacts to human health as a result of issuing MAQP #4751-00.

- F. Access to and Quality of Recreational and Wilderness Activities

MAQP #4751-00 would be issued for an already existing operation. Minor, if any, impacts to access to and quality of recreational and wilderness activities would be expected.

- G. Quantity and Distribution of Employment

The current permit action is for operations and modification of an existing grain elevator. No additional employment is expected as a result of this permitting action.

- H. Distribution of Population

The current permit action is for operations and modification of an existing grain elevator. No additional employment is expected as a result of this permitting action. No more than minor impacts to the distribution of population would be expected as a result of issuing MAQP #4751-00.

I. Demands for Government Services

Demands for government services would include compliance related activities associated with the permit. The department would expect minor impacts to demands for government services.

J. Industrial and Commercial Activity

The current permit action is for operations and modification of an existing grain elevator. No more than minor impacts to industrial and commercial activity would be expected as a result of issuing MAQP #4751-00.

K. Locally Adopted Environmental Plans and Goals

The Department is unaware of any locally adopted environmental plans and goals which would be impacted by issuance of MAQP #4751-00. The permit would contain conditions and limitations which would be intended to be protective of human health and the environment.

L. Cumulative and Secondary Impacts

The Department determined minor, if any, effects to the individual economic and social considerations above. Cumulatively and secondarily, the Department would expect no more than minor economic and social effects.

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 modification and operation of an existing grain elevator. MAQP #4751-00 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: Shawn Juers

Date: 10/05/2012