



PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: April 9, 2013

Name of Applicant: Nelcon, Inc.

Source: Portable Concrete Batch Plant

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 4720-01.

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 April 24, 2013. 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 A. Merkel
Air Permitting Supervisor
Air Resources Management Bureau
(406) 444-3626

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

JM:SJ
Enclosure

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

DRAFT ENVIRONMENTAL ASSESSMENT (EA)

Issued To: Nelcon, Inc.
P.O. Box 5370
Kalispell, MT 59903

Montana Air Quality Permit (MAQP) number: 4720-01

Preliminary Determination Issued: 4/9/2013

Department Decision Issued:

Permit Final:

1. *Legal Description of Site:* The location of the portable concrete plant will be Section 28, Township 21 North, Range 58 East, in Richland County, Montana. However, this facility is permitted as a portable source, and therefore may operate at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas.
2. *Description of Project:* Nelcon, Inc. (Nelcon) operates a portable “truck mix” concrete batch plant. The plant combines aggregate, sand, cement, and cement additives for transfer to mix trucks for delivery of concrete for various uses at various job sites. The current permit action increases the allowable maximum horsepower rating of the generator engine from 425 horsepower to 547 horsepower.
3. *Objectives of Project:* To generate profit providing concrete to various locations throughout Montana, including the needs in eastern Montana.
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 Montana Air Quality Permit to the proposed facility. However, the Department does not consider the “no-action” alternative to be appropriate because Nelcon 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 #4720-01.
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

Terrestrials would use the same area as the concrete batch plant. However, the operation would be considered a minor source of emissions by industrial standards, with intermittent and seasonal operations expected. From an annual emissions standpoint MAQP #4720-01 does not allow for an increase in emissions. Therefore, any effects on terrestrial life would be expected to be minor.

B. Water Quality, Quantity and Distribution

No change in hours of operation of the cement plant would be permitted in MAQP #4720-01. Therefore, no change in water quality, quantity, and distribution would be expected. Any impacts would be expected to be minor, if any discernible impacts at all.

C. Geology and Soil Quality, Stability and Moisture

MAQP #4720-01 would allow for a change in the maximum rating of the diesel generator engine. No other changes would be permitted. As such, any change to geology, soil quality, stability, and moisture would be expected to be minor, if any discernible impacts at all.

D. Vegetation Cover, Quantity, and Quality

From an annual emissions standpoint, no increase in allowable emissions would occur as the result of issuance of MAQP #4720-01. No change in the maximum rated cement capacity or hours of operation would be permitted. Therefore, any impacts to vegetation cover, quantity, and quality would be expected to be minor.

E. Aesthetics

MAQP #4720-01 would allow for an increase in maximum rated capacity for an operation already permitted to have a generator engine. Any impacts to aesthetics would be expected to be minor.

F. Air Quality

MAQP #4720-01 would contain conditions limiting the allowable emissions from the facility. The amount of allowable emissions generated from the plant is below those levels which the Department would require more rigorous air quality impact analyses be conducted. From an annual emissions standpoint, no increase in emissions would be permitted in the issuance of MAQP #4720-01. Based on the amount of allowable emissions that would be expected from the plant, only minor impacts would be expected to air quality.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department previously contacted the Montana Natural Heritage Program requesting any available information regarding Montana Species of Special Concern in the vicinity of the initial location of the plant, in an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources. The request was returned with 19 species occurrence reports for 13 animal species of concern and 1 ecological site report.

Species of concern located in the vicinity of the area include the Great Blue Heron, the Whooping Crane, the Least Tern, the Veery, the Pallid Sturgeon, the Paddlefish, the Shortnose Gar, the Sturgeon Chub, the Sicklefin Chub, the Blue Sucker, the Sauger, the Hoary Bat, the Meadow Jumping Mouse, and the Spiny Softshell.

Given the limited amount of allowable emissions and operating time permissible, any impacts to these species as a result of permitting a larger generator engine to an already permitted operation would be expected to be minor. Further, from an annual emissions standpoint, no increase in emissions is being permitted.

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

Impacts to air resources would be expected as MAQP #4720-01 would permit a larger sized generator engine. However, from an annual emissions standpoint, no increase in emissions would be allowable under MAQP #4720-01. Allowable operation time of the diesel generator engine would be reduced. Any impacts to environmental resources of water, air, or energy would be expected to be minor.

I. Historical and Archaeological Sites

The Department previously 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.

The file search returned the presence of 3 files: a historic irrigation system, a historic energy development (pipeline), and a historic railroad. The Montana Historical Society noted that as long as there will be no disturbance or alteration to structures over fifty years of age, there is a low likelihood cultural properties would be impacted. MAQP #4720-01 would permit an increase in generator engine size for an operation already permitted to operate in this area. Further, from an annual emissions standpoint, no increase in allowable emissions would occur, and the throughput and hour of operation limitations would not increase. Any impact to historical and archaeological sites would be expected to be minor.

J. Cumulative and Secondary Impacts

No increase in hours of operation or throughput capacity would occur. From an annual emissions standpoint, no increase in allowable emissions would be permitted. Any impacts to the above physical and biological considerations would be minor. From a cumulative and secondary impacts standpoint, impacts are expected to be minor, if any discernible amount at all.

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

MAQP #4720-01 would permit a larger generator engine to an already permitted operation. No increase in allowable hours of operation or total plant capacity would occur. Any impacts to any existing social structures and mores or cultural uniqueness and diversity would be expected to be minor as a result of the permitting action.

- C. Local and State Tax Base and Tax Revenue

No increase in total plant capacity would occur. MAQP #4720-01 would permit a larger generator engine to be used, with a reduction in allowable hours of operation of that generator engine. Any impacts to local and state tax base and tax revenue would be expected to be minor.

- D. Agricultural or Industrial Production

MAQP #4720-01 would permit a larger generator engine to be used for operations which are already permitted to operate. As discussed in Section 7.D, any affects to vegetation cover, quantity, and quality, would be expected to be minor.

E. Human Health

MAQP #4720-01 would not permit an increase in emissions from an annual emissions standpoint. Further, the allowable hours of operation of the generator engine would be reduced. Impacts to human health from operation of the larger sized generator engine would be expected as minor.

F. Access to and Quality of Recreational and Wilderness Activities

No more than a minor impact to the quality of recreational and wilderness activities would be expected as a result of issuance of MAQP #4720-01 as the permit action allows for an increase in maximum rating of the diesel generator engine associated with a plant already permitted to operate. Further, the allowable hours of operation of that diesel generator engine would be reduced.

G. Quantity and Distribution of Employment

H. Distribution of Population

No change in workforce would be expected as a result of the issuance of MAQP #4720-01. Operations would be expected to be intermittent, seasonal, and likely temporary. No more than minor effects to the quantity and distribution of employment or distribution of population would be expected.

I. Demands for Government Services

Demands for government services would be minor as the source is a relatively small source by industrial standards and has already been permitted for prior operations.

J. Industrial and Commercial Activity

No change in throughput or capacity of cement production occurs in the permitting action. Any impacts to industrial and commercial activity would be expected to be minor.

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. MAQP #4720-01 would be issued in accordance with rules designed to protect human health and the environment.

L. Cumulative and Secondary Impacts

Consideration of the individual economic and social effects above were determined to be minor. Cumulative and secondary impacts would be expected to be minor.

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

The current permitting action is for the construction and operation of a portable concrete batch plant. MAQP #4720-01 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, Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: Shawn Juers
Date: 4/3/2013