

DEPARTMENT OF ENVIRONMENTAL QUALITY

PERMITTING AND COMPLIANCE DIVISION

Air and Waste Management Bureau



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December 14, 1998

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**ENVIRONMENTAL
QUALITY COUNCIL**

Paul Thompson
Gilman Excavating, Inc.
3105 Kossuth
Butte, Montana 59701

Dear Mr. Thompson:

Air Quality Permit #2544-02 is deemed final as of December 13, 1998, by the Department of Environmental Quality. This permit is for a portable crushing facility. 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,

A handwritten signature in cursive script, appearing to read "Richard Knatterud", followed by the word "for".

Richard Knatterud
Air Permitting Section Supervisor

RK:bjd

Enclosure

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

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued For: Jim Gilman Excavating, Inc.
3105 Kossuth
Butte, MT 59701

Air Quality Permit Number: 2544-02

Department's Decision on Modification Issued: November 27, 1998
Final Permit Issued: December 13, 1998

Montana Environmental Policy Act (MEPA) Compliance: An environmental assessment required by the MEPA, was completed for this project as follows.

Legal Description of Site: During the summer months (April 1 through September 30), in or within 10 kilometers of any Montana PM-10 nonattainment area.

During the winter months of October 1, 1998 through March 31, 1999 in the Butte PM-10 non-attainment area: Section 25 (NE¼, SE¼), Range 8W, Township 3N, in Silverbow County, Montana, and Section 23 (NW¼, SE¼), Range 8W, Township 3N, in Silver Bow County, Montana.

Description of Project: This addendum is for the operation of a portable 1980 Cedar Rapids Jaw Crusher, a portable 1986 El-Jay Cone Crusher, and associated equipment. Operation at the above-listed locations, in compliance with the conditions and limitations outlined in addendum 2 to permit #2544-02, will not adversely impact the PM-10 nonattainment areas.

Benefits and Purpose of Proposal: This Addendum contains more stringent operational limits that allow the facility to operate at the above-listed locations without adversely impacting the ambient standards within PM-10 nonattainment areas.

Description and analysis of reasonable alternatives whenever alternatives are reasonably available and prudent to consider: No reasonable alternatives available.

A listing and appropriate evaluation of mitigation, stipulations and other controls enforceable by the agency or another government agency: A list of enforceable conditions are contained in permit #2544-02 and Addendum 2.

Description and analysis of regulatory impacts on private property rights: The department has considered alternatives to the conditions imposed in this permit as part of the permit development. The department has 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.

Potential Impact on Physical Environment							
		Major	Moderate	Minor	None	Unknown	Comments Included
1	Terrestrial and Aquatic Life and Habitats			X			yes
2	Water Quality, Quantity and Distribution			X			yes
3	Geology and Soil Quality, Stability and Moisture				X		yes
4	Vegetation Cover, Quantity and Quality			X			yes
5	Aesthetics			X			yes
6	Air Quality			X			yes
7	Unique Endangered, Fragile or Limited Environmental Resource				X		yes
8	Demands on Environmental Resource of Water, Air and Energy			X			yes
9	Historical and Archaeological Sites				X		yes
10	Cumulative and Secondary Impacts			X			yes

Potential Impact on Human Environment							
		Major	Moderate	Minor	None	Unknown	Comments Included
1	Social Structures and Mores				X		yes
2	Cultural Uniqueness and Diversity				X		yes
3	Local and State Tax Base and Tax Revenue			X			yes
4	Agricultural or Industrial Production				X		yes
5	Human Health			X			yes
6	Access to and Quality of Recreational and Wilderness Activities			X			yes
7	Quantity and Distribution of Employment				X		yes
8	Distribution of Population				X		yes
9	Demands for Government Services			X			yes
10	Industrial and Commercial Activity			X			yes
11	Locally Adopted Environmental Plans and Goals				X		yes
12	Cumulative and Secondary Impacts			X			yes

SUMMARY OF COMMENTS ON POTENTIAL IMPACTS: The following comments have been prepared by the Department.

POTENTIAL IMPACT ON PHYSICAL ENVIRONMENT

1. Terrestrial and Aquatic Life and Habitats

Terrestrials will use the areas in which the crusher operations occur. However, the crusher operations alone will present only minor affects to the terrestrial life.

2. Water Quality, Quantity and Distribution

Water will be used as pollution control, but will only cause a minor disturbance to the area. No surface water or ground water quality problems are expected as a result of using water for pollution control. Any accidental spills or leaks from equipment will be handled according to the appropriate environmental regulations in an effort to minimize any potential adverse impact on the immediate and surrounding area.

3. Geology and Soil Quality, Stability and Moisture

The soils at the proposed site location will not be impacted by the crusher operations. The proposed activity is to crush and recycle previously-stockpiled asphalt.

4. Vegetation Cover, Quantity and Quality

Existing vegetative cover will be affected by the proposed project. However, any impact will be minor due to the portable and temporary nature of the operation.

5. Aesthetics

The crusher operations will be visible and will create additional noise in the area. Permit #2544-02 includes conditions to control emissions (including visible emissions) from the plant. Since the crusher operations are small, and temporary, any aesthetic impact will be minimal.

6. Air Quality

The air quality impacts from the crusher operations are minor. Permit #2544-02 includes conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution.

Modeling has been conducted for the proposed operation. Based on modeling results, specific conditions and limitations have been placed on operation and production at this site. These conditions and limitations ensure compliance with applicable air quality standards. These air quality standards have been set to protect air quality.

7. Unique Endangered, Fragile or Limited Environmental Resources

The department has contacted the Montana Natural Heritage Program (MNHP) in an effort to identify any species of special concern associated with the proposed site location. Search results have concluded there is one such environmental resource in the area. Area in this case will be defined by the township and range of the proposed site, with an additional one mile buffer. This species of special concern is the Preble's Shrew. While the Preble's Shrew is found within the defined area, the MNHP search did not indicate any species of special concern located directly on the proposed site. Therefore, it is unlikely that the shrew will be adversely affected by the proposed project.

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

The crusher operations will only demand small quantities of water, air, and energy for proper operating. Generally, the operations are seasonal, which results in smaller demands on the environmental resources.

9. Historical and Archaeological Sites

The Montana Historical Society (MHS) was contacted in an effort to identify any historical or archaeological site that may be affected by the proposed crushing operation. Search results did indicate that several previously-recorded historic sites are located within Section 23, Township 3N, Range 8W, in Silver Bow County, MT. However, the proposed project is to crush and recycle stockpiled asphalt within a previously-disturbed industrial site. According to the Montana State Historic Preservation Office, there is low likelihood of disturbance to any known archaeological or historic site given the previous industrial disturbance in the area. Therefore, it is unlikely that the crusher operation will have an adverse effect on any known historic or archaeological site.

10. Cumulative and Secondary Impacts

The crusher operations will cause a minor affect to both the physical environment and human environment. There is potential for other operations to locate at these sites. However, any operations will have to apply for and hold the appropriate permits from the department prior to operation. These permits will address the environmental impacts associated with the operations at this or any other site. The crusher operations are limited by permit #2544-02 to total particulate emissions of 250 tons/year or less from non-fugitive crusher operations and any other additional equipment used at the site.

In addition, Addendum 2, to permit #2544-02, outlines specific conditions and restrictions applicable to operation at the proposed site.

POTENTIAL IMPACT ON HUMAN ENVIRONMENT

1. Social Structures and Mores

The crusher operation will cause no disruption to the native or traditional lifestyles or communities of the area.

2. Cultural Uniqueness and Diversity

The crusher operation will have no impact on the cultural uniqueness and diversity of the area.

3. Local and State Tax Base and Tax Revenue

The proposed crusher operations will have little, if any, affects on the local and state tax base and tax revenue. The facility is a temporary source and, therefore, will not remain at the proposed site for any substantial period of time.

4. Agricultural or Industrial Production

The Proposed crusher operations will not displace any agricultural production. The crusher operations are small by industrial standards and will, therefore, have only a minor impact on local industrial production.

5. Human Health

Permit #2544-02 incorporates conditions to ensure that the crusher operations will be operated in compliance with all applicable rules and standards. These rules and standards are designed to be protective of human health.

6. Access to and Quality of Recreational and Wilderness Activities

The crusher operations will not affect any access to recreational and wilderness activities. However, minor affects to the quality of recreational activities may be created by the noise from the site. Any impacts from the site will be temporary due to the portable nature of the crusher operations.

7. Quantity and Distribution of Employment

The activities from the crusher operations will not affect the quantity and distribution of employment in the area.

8. Distribution of Population

The crusher operations will not disrupt the normal population distribution in the area.

9. Demands of Government Services

Minor increases will be seen in traffic on existing roads in the area while the crusher operations are in progress. In addition, government services will be required for acquiring the appropriate permits from government agencies. Demands for government services will be minimal.

10. Industrial and Commercial Activity

The crusher operations represent only a minor increase in the industrial activity in the area. No additional industrial or commercial activity is expected as a result of the crusher operations.

11. Locally Adopted Environmental Plans and Goals

The department is not aware of any locally adopted environmental plans or goals. The state standards will protect the proposed site and the environment surrounding the site.

12. Cumulative and Secondary Impacts

The crusher operations will cause a minor affect to both the physical environment and human environment. There is potential for other operations to locate at these sites. However, any operations will have to apply for and hold the appropriate permits from the department prior to operation. These permits will address the environmental impacts associated with the operations at this or any other site. The crusher operations are limited by permit #2544-02 to total particulate emissions of 250 tons/year or less from the crusher operations and any other additional equipment used at the site.

In addition, Addendum 2, to permit #2544-02, outlines specific conditions and restrictions applicable to operation at the proposed site.

Recommendation: No EIS is required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: Since this plant is a portable source, it is unlikely there will be any significant impact. Permit #2544-02 and Addendum 2, include conditions and limitations which, if properly applied, will safeguard any potential environmental threat created by the proposed crushing operation.

Other groups or agencies contacted or which may have overlapping jurisdiction: Department of Environmental Quality, Montana Natural Heritage Program, State Historic Preservation Office (Montana Historical Society).

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

Revised EA prepared by: M. Eric Merchant, MPH

Date: November 18, 1998