Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Date of Mailing: June 20, 2006

Name of Applicant: Fisher Sand & Gravel Company

Source: The operation of a portable diesel generator.

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 3845-00.

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 July 5, 2006. 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, Montana 59620.

For the Department,

David L. Klemp
Air Permitting Supervisor
Air Resources Management Bureau
(406) 444-3490

DK:lr
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: Fisher Sand & Gravel
P.O. Box 1034
Dickinson, ND 58601

Air Quality Permit Number: 3845-00

Preliminary Determination Issued: June 20, 2006
Department Decision Issued:
Permit Final:

1. *Legal Description of Site*: Fisher would operate the portable diesel generator at various locations throughout Montana.

2. *Description of Project*: The permit application is for the operation of a portable diesel generator (up to 725 kilowatts). The diesel generator would be used to provide power to other Fisher equipment (i.e. screens, crushers, etc.), which is permitted separately from the diesel generator.

3. *Objectives of the Proposal*: The diesel generator would be used to provide power to other Fisher equipment (i.e. screens, crushers, etc.), which is permitted separately from the diesel generator. Having separate air quality permits for the equipment would allow Fisher the operational flexibility to operate the equipment in different locations at the same time.

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 Fisher 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 and a permit analysis, including a BACT, would be contained in Permit #3845-00.

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 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.

Physical and Biological Effects							
		Major	Moderate	Minor	None	Unknown	Comments Attached
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

The operation of the diesel generator would have only minor impacts upon the terrestrial and aquatic life and habitats in areas where the generator may operate. Although air pollutant deposition would occur in the areas where the generator would operate, the size and temporary nature of the operation, dispersion characteristics of pollutants, and conditions placed in Permit #3845-00 would result in minor impacts. In addition, the generator would be relatively small by industrial standards and located at previously disturbed sites. Therefore, the operation of the generator would present only minor impacts to the terrestrial and aquatic life and habitats in areas of potential operation.

B. Water Quality, Quantity, and Distribution

Although there would be an increase in air emissions in the area where the portable diesel generator would operate, there would only be minor impacts on water quality, quantity, and distribution because of the temporary nature, size, operational requirements, and conditions placed in Permit #3845-00 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. Overall, the addition of the generators would have minor impacts to water quality, quantity, and distribution in the area of operations.

C. Geology and Soil Quality, Stability, and Moisture

As a result of the operation of the portable diesel generator, 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 from portable generator operations. As explained in Section 7.F. of this EA, the facility's size, operational requirements, temporary nature of the operation, and conditions placed in Permit #3845-00 would minimize the impacts from deposition. In addition, the generator would be relatively small by industrial standards and located at previously disturbed sites, which would also reduce the potential impact to the local geology and soil quality, stability, and moisture.

D. Vegetation Cover, Quantity, and Quality

The operation of the generator would result in minor impacts to the vegetative cover, quantity, and quality, because small amounts of vegetation would likely be disturbed as a result of operating the diesel generator. In addition, pollutant deposition would occur on the surrounding vegetation. However, as explained in Section 7.F. of this EA, the Department determined that, due to the relatively small size and temporary nature of the operation, conditions placed in Permit #3845-00, and dispersion characteristics of the emissions, any impacts from deposition would be minor. In addition, because the water usage would be minor (as described in Section 7.B. of this EA) and the associated soil disturbance would be minor (as described in Section 7.C. of this EA), corresponding vegetative impacts from water and soil disturbance would also be minor.

E. Aesthetics

The diesel generator would be visible and would create noise in the areas where it would operate. Permit #3845-00 would include conditions to control emissions (including visible emissions) from the generator and the surrounding work area. The generator would be relatively small by industrial standards and temporary and would be used to power permitted portable equipment owned by Fisher at previously disturbed sites. Therefore, any aesthetic impact to a given area would be minor and temporary.

F. Air Quality

Air quality impacts from the operation of the diesel generator would be minor because emissions from the diesel generator would be relatively small. Dispersion and deposition of pollutants would occur from the operation of the diesel generator; however, the Department determined that any air quality impacts from the pollutants would be minor due to dispersion characteristics (from factors such as wind speed and wind direction) and conditions placed in Permit #3845-00. Permit #3845-00 would include conditions limiting opacity from the diesel generator and would require that reasonable precautions be taken to control emissions from haul roads, access roads, parking lots, or the general work area. In addition, Permit #3845-00 would also limit total emissions from the diesel generator and any additional equipment operated at the same site to 250 tons per year or less. Further, because the diesel generator is limited in hours of operation to keep the potential emissions to less than 100 tons per year for any pollutant generated, the Department determined that the diesel generator is a minor source of emissions as defined under Title V.

G. Unique Endangered, Fragile, or Limited Environmental Resources

In an effort to identify species of special concern that may be present in the proposed areas of operation, the Department previously contacted the Montana Natural Heritage Program (MNHP) for a review of species of special concern for many gravel pits around the state. This would include many of the pits where the generator may be located, but no initial location was identified under this permit. Issuance of this permit would increase emissions to the atmosphere near the location proposed for the operation of the diesel generator. However, as explained in Section 7.F. of this EA, because of the relatively small size and temporary nature of the diesel generator, operating in previously disturbed areas, and conditions placed in Permit #3845-00, any impacts to unique endangered, fragile, or limited environmental resources from the deposition of pollutants would be minor.

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

The diesel generator would be used to provide power to other Fisher equipment (i.e. screens, crushers, etc.) that is permitted separately from the diesel generator. Water would be used on haul roads, access roads, parking lots, or the general plant property, as necessary, to control dust resulting from indirect use of the diesel generator. Also minor amounts of air would be used in diesel generator operations and air quality would be impacted by pollutant emissions. The generator would consume energy from diesel fuel, a non-renewable resource. Generally, the operations are seasonal and would result in smaller demands on environmental resources. Therefore, any impacts on the demands of the environmental resources of water, air, and energy would be minor.

I. Historical and Archaeological Sites

According to past correspondence with the Montana State Historic Preservation Office (SHPO), there is low likelihood of disturbance to any known archaeological or historic site given that the diesel generator would be locating in existing gravel pits. Therefore, it is unlikely that the project would affect any known historic or archaeological site and any impacts would be minor.

J. Cumulative and Secondary Impacts

The operation of the diesel generator would cause minor effects to the physical and biological environment because other operations may potentially locate at the same site. However, any operations would have to apply for and receive the appropriate permits from the Department prior to operation. The permits would address the environmental impacts associated with the operations at the proposed sites.

The diesel generator operations would be limited by Permit #3845-00 to total emissions of 250 tons/year or less from non-fugitive diesel generator operations and any other additional equipment used at any given site.

8. The following table summarizes the potential social and economic effects of the proposed project on the human environment. The "no-action" alternative was discussed previously.

Potential Social and Economic Effects							
		Major	Moderate	Minor	None	Unknown	Comments Attached
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 SOCIAL AND ECONOMIC EFFECTS: The following comments have been prepared by the Department.

A. Social Structures and Mores

The operation of the diesel generator would not alter or disrupt any local lifestyles or communities (social structures and mores) in the area of operation because the generator would be relatively small by industrial standards, would operate intermittently, and would be used with the additional permitted equipment at a previously disturbed site. Therefore, the existing social structures and mores would not be affected as a result of this permitting action.

B. Cultural Uniqueness and Diversity

It would be unlikely that the operation of portable generator would have any impact on the cultural uniqueness and diversity of the proposed area of operation because the generator operations would be temporary and would take place in a previously disturbed industrial area.

C. Local and State Tax Base and Tax Revenue

The proposed operation of the diesel generator would have little, if any affect on local and state tax base and tax revenue. The facility is a relatively small and temporary source; therefore, it would not remain at any individual site for any extended time period. No full time, permanent employees would be added as a result of issuing Permit #3845-00, and any revenue created by the operation of the diesel generator would be widespread and for a relatively short time period.

D. Agricultural or Industrial Production

Under normal circumstances, the operation of the diesel generator would take place in a previously disturbed industrial area. Therefore, the Department does not expect that the operation of the diesel generator would affect or displace any agricultural land. Further, the diesel generator operation is small by industrial standards and would have only a minor impact on any local industrial production.

E. Human Health

Permit #3845-00 would incorporate conditions to ensure that the diesel generator would be operated in compliance with all applicable 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 Department determined that any impacts from deposition of pollutants would be minor due to dispersion characteristics and conditions placed in Permit #3845-00. The air emissions from this facility would be minimized by opacity limitations on the diesel generator and the surrounding area of operation.

F. Access to and Quality of Recreational and Wilderness Activities

This generator would be located on previously disturbed property and would not impact access to recreational and wilderness activities. However, minor impact on the quality of recreational activities might be created by the noise from the generators. Emissions from these generators would be minimized as a result of limitations placed in Permit #3845-00 and the temporary and portable nature of the operation.

G. Quantity and Distribution of Employment

Given the relatively small size and temporary nature of the operation, it is not expected that the activities from the operation of the diesel generator would affect the quantity and distribution of employment in any given area. No full time, permanent employees would be hired or discharged as a result of issuing Permit #3845-00.

H. Distribution of Population

Given the relatively small size and temporary nature of the operation, it is not expected that the activities from the diesel generator would disrupt the normal population distribution of any given area. No secondary activities are expected to move to any area as a result of the current project.

I. Demands of Government Services

Government services would be required for acquiring the appropriate permits and ensuring compliance with the permits that are issued; however, the government services required would be minor.

J. Industrial and Commercial Activity

The operation of the diesel generator would represent only a minor increase in the industrial activity in any given area. No additional industrial or commercial activity would result from the operation of the diesel generator because no secondary activities are expected to move to any area as a result of the current project.

K. Locally Adopted Environmental Plans and Goals

The Department is unaware of any locally adopted environmental plans or goals at any given site that the diesel generator may be operated at under Permit #3845-00. The state standards identified in Permit #3845-00 would govern the proposed sites and the environment surrounding the sites.

L. Cumulative and Secondary Impacts

Overall, the cumulative and secondary social and economic impacts from this project would be minor because the diesel generator would originally locate at an existing gravel pit. New businesses would not be drawn to the area and permanent jobs would not be created or lost due to the operation of the diesel generator. Because no new employees would be hired due to the operation of the diesel generator, there would be no economic impacts from new employees. In addition, any social and economic impacts that are created would be minor and short-lived because of the relatively small size and temporary nature of the operation.

Recommendation: No EIS is required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: Because this diesel generator is a relatively small portable source and must use reasonable precautions to control emissions, any impacts created would be minor impacts.

Other groups or agencies contacted or which may have overlapping jurisdiction: Natural Resource Information System - Montana Natural Heritage Program, Montana Historical Society - State Historic Preservation Office and the Industrial and Energy Minerals Bureau.

Individuals or groups contributing to this EA: Department of Environmental Quality Permitting and Compliance Division (Air Resources Management Bureau and Industrial and Energy Minerals Bureau), Natural Resource Information System - Montana Natural Heritage Program, Montana Historical Society - State Historic Preservation Office.

EA Prepared by: Julie Merkel
Date: June 2, 2006