DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
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LEGISLATIVE ENVIRONMENTAL POLICY OFFICE

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued To: Mountain Construction Company of Wyoming
P.O. 545
Lovell, WY 82431

Air Quality Permit Number: 3856-00

Preliminary Determination Issued: 07/26/06
Department Decision Issued: 08/21/06
Permit Final:

1. *Legal Description of Site:* This permit would be for the operation of a portable asphalt plant to be initially located at NW ¼ of Section 30, Township 8 South, Range 26 East, in Carbon County. Permit #3856-00 would apply while operating at any location in Montana, except within those areas having a Department approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 km of certain PM_{10} nonattainment areas.

2. *Description of Project:* Mountain proposes the construction and operation of a portable asphalt plant that would consist of a portable drum-mix asphalt plant (up to 250 TPH) with a wet scrubber, and associated equipment (including, but not limited to, a cold feeder, lime silo, elevator, screens, bins, mixer, and conveyors).

3. *Objectives of Project*: The object of the project would be to produce business and revenue for the company by the sale and use of asphalt. The issuance of Permit #3856-00 would allow Mountain to operate the permitted equipment at various locations throughout Montana, except within those areas having a Department approved permitting program, those areas considered tribal lands, or those areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}) nonattainment areas.

4. *Additional Project Site Information:* In many cases, the drum-mix asphalt plant operation may move to a general site location, or open cut pit, which has been previously permitted through the Industrial and Energy Minerals Bureau (IEMB). If this were the case, a more extensive EA for the site would have been conducted and would be found in the Mined Land Reclamation Permit for that specific site.

5. *Alternatives Considered:* In addition to the proposed action, the Department considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because Mountain demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.

6. *A Listing of Mitigation, Stipulations, and Other Controls:* A list of enforceable conditions and a permit analysis, including a BACT analysis, would be contained in Permit #3856-00.

7. *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 would be reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and would not unduly restrict private property rights.

8. *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 would use the same area as the asphalt plant operations. The asphalt plant operations would be considered a minor source of emissions (by industrial standards) with intermittent and seasonal operations. Therefore, any effects to terrestrial and aquatic life would be minor and short-lived. Only minor effects on terrestrial life and aquatic life would be expected as a result of equipment operations or from pollutant deposition.

B. Water Quality, Quantity, and Distribution

Water would be used for dust suppression on the surrounding roadways and areas of operation and for pollution control for equipment operations. However, water use would only cause minor impacts upon water quality, quantity, and distribution at the site because the equipment would only have seasonal and intermittent operations and only relatively small amounts of water would be needed for pollution control. Thus, any impacts from the proposed project would be minor and short-lived.

C. Geology and Soil Quality, Stability, and Moisture

The soils at the facility sites would be impacted by the asphalt plant operations due to the construction and use of the asphalt plant. Minimal disturbance to soil would occur as a result of construction and use of the facility because the facility would be operating on an intermittent and temporary basis, and pollutant deposition upon the surrounding soils would be minimal. Further, considering the facility's portable and temporary nature, the area's industrial usage and good pollutant dispersion would exist within the area, the fact that the facility would typically operate within an existing permitted open cut pit, any effects (upon geology and soil quality, stability, and moisture) from operating this facility would be minor and short-lived.

D. Vegetation Cover, Quantity, and Quality

As described in Section 8.F of this EA, the impacts from the air emissions of this facility would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor. Also, equipment construction and operations would result in only minor soil and water disturbance (as described in Sections 8.B and 8.C) because the facility would be portable and temporary in nature and corresponding permits would be acquired before operation commences. Therefore, because the facility would locate in an area where good pollutant dispersion would occur, would locate in an area where little vegetation would be effected, and would be a minor source of emissions and temporary in nature, impacts from the emissions of the asphalt plant on vegetation would be minor.

E. Aesthetics

The asphalt plant operations would be visible and would create additional noise in the area of operation. Permit #3856-00 would include conditions to control emissions, including visible emissions, from the plant. The asphalt plant operations would have a minor amount of emissions, would be portable, would have seasonal and intermittent operations, and would locate near an existing highway. Noise would be noticeable, but minor, due to the location of the site in relation to existing activity and surrounding land use. Therefore, impacts upon aesthetics would be minor and short-lived.

F. Air Quality

The air quality impacts from the asphalt plant operations would be minor because Permit #3856-00 would include conditions limiting the opacity from the plant, as well as requiring a wet scrubber to control the drum-mix asphalt plant emissions and a baghouse to control lime silo emissions. Additionally, the facility is considered a minor source of air pollution by industrial standards and would initially be located in an area where good air pollutant dispersion would occur. Therefore, the air impacts would be minor.

The operations would be limited, by Permit #3856-00, to total emissions of 250 tons/year or less of any regulated pollutant from non-fugitive sources at the plant, including any additional equipment owned and operated at the site. Furthermore, the facility emissions would be subject to BACT. For example, the plant would be required to use water to reduce emissions from equipment operations, storage piles, and haul roads. Also, the operation would have temporary and intermittent use, thereby further reducing potential air quality impacts from the facility. Therefore, air quality impacts would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department, in an effort to assess any potential impacts to unique endangered, fragile, or limited environmental resources in the initial proposed area of operation, contacted the Montana Natural Heritage Program (MNHP). MNHP search results showed there were species of concern in the defined search area. The area, in this case, is defined as the township and range of the proposed site, with an additional one-mile buffer. The species of concern include *Polioptila caerulea* (Blue-gray Gnatcatcher), *Spizella breweri* (Brewer's Sparrow), *Oncorhynchus clarkia bouvieri* (Yellowstone Cutthroat Trout), and *Oreoscoptes montanus* (Sage Thrasher). In addition, MNHP search results noted that the area was also considered an inferred extent for some species of concern. Inferred extents are areas that can be inferred to be probable occupied habitat based on the spatial location of the direct observation of a species and general information available for the foraging area or home range size of the species. Species with an inferred extent include *Centrocercus urophasianus* (Greater Sage-Grouse), *Euderma maculatum* (Spotted Bat), and *Corynorhinus townsendii* (Townsend's Big-eared Bat). Based on the small size and temporary nature of equipment operations and the minimal disturbance to the environment (water, air, and soils) from the proposed project, the Department determined impacts to unique endangered, fragile, or limited environmental resources would be minor.

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

Due to the relatively small size of the facility, the asphalt plant operations would only require small quantities of water, air, and energy for proper operation. Small quantities of water would be used for dust suppression and operation of the wet scrubber and would control emissions being generated at the site. Energy requirements would also be small because the facility is small by industrial standards with seasonal and intermittent operations. In addition, impacts to air resources would be minor because the source is small by industrial standards, with intermittent and seasonal operations, and because air pollutants generated by the facility would be widely dispersed. Furthermore, facility emissions would be controlled. Therefore, any impacts to water, air, and energy resources would be minor.

I. Historical and Archaeological Sites

The Department 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 area of construction/operation. Search results concluded that three prehistoric sites have been identified within the same section of the proposed initial area of operations. Given the previous disturbance in the area and the temporary and intermittent use as well as the small size and temporary nature of equipment operations, there would be a low likelihood of adverse disturbance to any known archaeological or historic site. Therefore, minor, if any, impacts upon historical or archaeological sites would be expected as a result of the proposed asphalt plant operations.

J. Cumulative and Secondary Impacts

The asphalt plant operations would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would have seasonal and intermittent use and because the facility is considered a minor source of air pollutants by industrial standards. The facility would generate emissions of PM, PM_{10}, NO_x, VOC, CO, and SO_x. Noise would also be generated from the site. Emissions and noise would cause minimal disturbance at the initial site location. Additionally, this facility, in combination with the other emissions from the site would not be permitted to exceed 250 tons per year of non-fugitive emissions. Overall, any cumulative and secondary impacts would be minor.

9. *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 following comments have been prepared by the Department.

A. Social Structures and Mores

The asphalt plant operation would cause no disruption to the social structures and mores in the area because the source is a minor source of emissions and temporary in nature. Additionally, the facility would be a minor source of air pollution and would be required to operate under the conditions in Permit #3856-00. Thus, no native or traditional communities would be affected by the proposed project operations and no impacts upon social structures or mores would result. The predominant use of the surrounding area would not change as a result of this project, which has previously been used for asphalt plant production.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of the area would not be impacted by the proposed asphalt plant operations because the site would be separated from the residential areas. Additionally, the facility would be considered a portable/temporary source with seasonal and intermittent operations resulting in short-term and minor impacts. Also, the predominant use of the site and surrounding area would not change as a result of this project.

C. Local and State Tax Base and Tax Revenue

The asphalt plant operations would have little, if any, impact on the local and state tax base and tax revenue because the facility would be a temporary source and small by industrial standards. The facility operations would not require the use of any new

employees. Thus, only minor impacts to the local and state tax base and revenue could be expected from the employees and facility production. Furthermore, the impacts to local tax base and revenue are expected to be minor because the source would be portable and any money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The asphalt plant operations would have only a minor impact on local industrial production since the facility is small by industrial standards and would operate in the area on a temporary and intermittent basis. Because of the portable nature of the equipment, only minor and temporary impacts upon surrounding agricultural land are expected to occur. As described in Section 8.D, impacts to vegetation would be minimal. Also, pollution control would be utilized on equipment operations and corresponding operational limits would be established to protect the environment. Therefore, any impacts to agricultural or industrial production would be minor and short-lived.

E. Human Health

Permit #3856-00 would incorporate conditions to ensure that the asphalt plant 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. As described in Section 8.F., the air emissions from this facility would be minimized by the use of a BACT and other emission limits established in Permit #3856-00. Therefore, only minor impacts would be expected upon human health from the proposed asphalt plant.

F. Access to and Quality of Recreational and Wilderness Activities

The asphalt plant would initially be operated at a site approximately ¼ mile away from the nearest household and approximately ⅓ mile north of Interstate 94. For the initially proposed site, operations would not affect access to recreational and wilderness activities in the area because the site is private property that currently has little wilderness or recreational value. Thus, no changes to recreational and wilderness activities, or access to those activities, would be expected from the operation of the asphalt plant. Additionally, noise impacts from the facility would be minimal because the site is relatively far away from the nearest household and would operate adjacent to an existing roadway, Route 261. Also, the facility would be a temporary source and would have minor amounts of emissions, as described in Section 8.F of this EA. Further, any changes in the quality of recreational and wilderness activities from noise, created by operating the equipment at the site, would be minor and intermittent.

G. Quantity and Distribution of Employment

The asphalt plant is a temporary source, which would have only minor effects on the quantity and distribution of employment in the area because Mountain would use up to five new employees for the project. Thus, because only a few new employees would be needed for such operations, any effect on the quantity and distribution of employment in the area would be minor and short-lived.

H. Distribution of Population

The asphalt operation would be a minor industrial source of emissions and the facility would only require the addition of a few new employees to operate the facility. Since the proposed project is a portable source, with seasonal and intermittent operations, it would

not be expected to create any new permanent employment in the area. Thus, no individuals are expected to permanently relocate to the area as a result of operating the asphalt plant. Therefore, the asphalt plant operations would not impact the normal population distribution in the initial area of operation or any future operating site.

I. Demands of Government Services

Minor increases would be seen in traffic on existing roadways in the area while the asphalt plant operations are in progress. In addition, government services would be required for acquiring and determining compliance with the appropriate permits from government agencies. Demands for government services would be minor.

J. Industrial and Commercial Activity

The asphalt plant operations would represent only a minor increase in the industrial activity in a given area because of the size of the operations (relatively small by industrial standards) and the portable and temporary nature of the facility. No additional industrial or commercial activity would be expected as a result of the proposed operations.

K. Locally Adopted Environmental Plans and Goals

Mountain would be allowed, by permit, to operate in areas designated by EPA as attainment, or unclassified. Permit #3856-00 would contain limits, which would be protective of air quality and the ambient air quality standards while the facility is operating in these designated areas. Additionally, because the facility is a portable source that would operate at multiple sites on an intermittent and temporary basis, the Department determined that any impacts to existing air quality in these areas of operation would be minor and short-lived.

L. Cumulative and Secondary Impacts

The asphalt plant would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area because the source is a portable, temporary source. Minor increases in traffic would have minor effects on local traffic in the immediate area, thus having a minor effect on the social environment. Because the source is relatively small (by industrial standards) and temporary, only minor economic impacts to the local economy could be expected from the operation of the facility. Thus, minor and temporary cumulative effects would result to the local economy.

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.

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

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

EA prepared by: Trista Glazier
Date: June 30, 2006