Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
P. O. Box 200901 Helena, MT 59620-0901 (406) 444-2544 Website: www.deq.mt.gov

PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: May 27, 2008

Name of Applicant: MR Asphalt, Inc.

Source: Batch-Mix Asphalt 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 4215-00.

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 June 11, 2008. 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,

Vickie Walsh
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-9741

Julie Merkel
Air Quality Specialist
Air Resources Management Bureau
(406) 444-3626

VW: JM
Enclosures

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: MR Asphalt, Inc.

Air Quality Permit number: 4215-00

Preliminary Determination Issued: May 27, 2008
Department Decision Issued:
Permit Final:

1. *Legal Description of Site:* SW¼ of Section 30, Township 7 North, and Range 20 West, in Ravalli County, Montana

2. *Description of Project*: MR Asphalt, Inc (MR) owns and operates a portable batch-mix asphalt plant with a maximum production capacity of 210 tons per hour (TPH). The plant includes 4 cold fee hoppers a charge conveyor, an aggregate dryer; a bucket elevator, a batch tower, slat conveyor, storage silo, primary fines collector, baghouse and associated equipment. The proposed action is to issue a Montana Air Quality Permit #4215-00 allowing the construction and operation of the plant in Ravalli County, Montana.

3. *Objectives of Project*: The objective of construction and operation of the asphalt plant at this location is to provide material for support of construction projects in the area.

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 for the proposed asphalt plant. The no action alternative is to deny the proposed air quality permit disallowing construction and operation of the asphalt plant and would result in existing site conditions including the permitted gravel pit. However, the Department does not consider the "no-action" alternative to be appropriate because MR has demonstrated compliance with all applicable rules and regulations as required for air quality 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 Permit #4215-00.

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			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

Terrestrials would use the same area as the asphalt. The asphalt plant would be considered a minor source of emissions, by industrial standards, with intermittent and seasonal operations. Therefore, only minor effects on terrestrial life and habitats would be expected as a result of new equipment operations or from pollutant deposition.

Impacts on aquatic life and habitats could result from storm water runoff and pollutant deposition, but such impacts would be minor as the facility would be a minor source of emissions (with seasonal and intermittent operations) and only minor amounts of water would be used for pollution control. Since only a minor amount of air emissions would be generated from the proposed equipment, only minor deposition of air pollutants would occur. Therefore, only minor and temporary impacts to aquatic life and habitat would be expected from the proposed crushing/screening facility.

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 the proposed equipment operation. However, water use would only cause a minor disturbance to these areas, since only relatively small amounts of water would be needed. Only minor surface and groundwater quality impacts would be expected as a result of using water for dust suppression because only small amounts of water would be required to control air pollutant emissions and deposition of air pollutant emissions would be minor (as described in Section 7.F of this EA).

C. Geology and Soil Quality, Stability, and Moisture

The proposed asphalt plant would have only minor impacts on soils in any proposed site location because the facility would remain a relatively small industrial operation, would continue to use only relatively small amounts of water for pollution control, and would only have seasonal and intermittent operations. Therefore, any impacts from the proposed asphalt plant equipment to geology and soil quality, stability, and moisture at any proposed operational site would be minor.

D. Vegetation Cover, Quantity, and Quality

Because the facility would be a minor source of emissions, by industrial standards, and would typically operate in areas previously designated and used for non-metallic mineral processing operations, impacts from the emissions from the asphalt plant would be minor and typical. As described in Section 7.F of this EA, the amount of air emissions generated from the facility would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor. Also, because water use for pollution control would be minimal, as described in Section 8.B, and the associated soil disturbance from operations would be minimal, as described in Section 8.C, corresponding vegetative impacts would be minor.

E. Aesthetics

The proposed asphalt plant would be visible and would create additional noise while in operation. However, Permit #4215-00 would include conditions to control emissions, including visible emissions, from the proposed equipment. Also, because the asphalt plant would be portable and would operate on an intermittent and seasonal basis and would typically locate within a previously permitted open-cut pit, any visual and noise impacts would be minor and short-lived.

F. Air Quality

The air quality impacts from the asphalt plant would be minor because Permit #4215-00 would include conditions limiting the opacity from the proposed equipment, as well as requiring water spray bars and other means to control air pollution. Further, Permit #4215-00 would limit total emissions from the proposed equipment, and any additional equipment owned and operated by MR, to 250 tons/year or less at any given operating site, excluding fugitive emissions.

Further, the asphalt plant would be used on a temporary and intermittent basis and would typically operate within an area designated for such operations, thereby further reducing potential air quality impacts from the facility. Additionally, the small and intermittent amounts of deposition generated from the asphalt plant would be minimal because the pollutants emitted would be well controlled, widely dispersed (from such factors as wind speed and wind direction), and would result in only minor impacts to the surrounding environment. Overall, any air quality impacts resulting from the proposed asphalt plant would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

Emissions from the asphalt plant operation may impact unique, endangered, fragile, or limited environmental resources located in a given proposed project area. However, as

detailed in Section V of the permit analysis, any emissions and resulting impacts from the project would be minor due to the low concentration of those pollutants emitted.

Permit #4215-00 would regulate the proposed asphalt plant while located at various locations throughout the state. Most operations would take place within existing and previously disturbed industrial gravel pits thereby resulting in only minor impacts to the industrial area. Further, given the temporary and portable nature of the operations, any impacts would be minor and short-lived. In addition, operational conditions and limitations in Permit #4215-00 would be protective of these resources by limiting overall impacts to the surrounding environment.

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

Due to the relatively small size of the facility, the asphalt plant would result in only minor demands on the environmental resources of water, air, and energy for normal operations. Small quantities of water would be used for dust suppression and would control particulate emissions generated through equipment operations and vehicle traffic at the site. Energy requirements would be accommodated through the operation of the proposed diesel-fired generator and would be minor due to the relatively small amount of fuel required to operate the generator. In addition, the asphalt plant would operate on an intermittent and seasonal basis thereby minimizing energy demands. Further, impacts to air resources from the new equipment would be minor because the source would remain small by industrial standards, would operate on an intermittent and seasonal basis, and would generate relatively minor amounts of regulated pollutants through normal operations.

I. Historical and Archaeological Sites

Typically, the asphalt plant would operate within a previously disturbed open-cut pit used for such purposes. According to past correspondence from the Montana Historical Society, State Historic Preservation Office (SHPO), there would be a low likelihood of disturbance to any known archaeological or historical site given any previous industrial disturbance in any given area of operation. Therefore, it is unlikely that the proposed asphalt plant would impact any historical or archaeological sites in a given area of operation.

J. Cumulative and Secondary Impacts

The proposed asphalt plant would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment of a given proposed area of operation because the proposed equipment would generate emissions of regulated air pollutants and noise would be generated from equipment operations. Emissions and noise would cause minor disturbance to a given area because the equipment is relatively small by industrial standards and the facility would be expected to operate in areas designated and typically used for such operations. Additionally, this facility, in combination with the other emissions from equipment operations at the operational site, would not be permitted to exceed 250 tons per year of non-fugitive emissions.

Overall, any cumulative or secondary impacts to the above-cited physical and biological resource of the human environment of any given project area would be minor because the proposed asphalt plant would typically operate within areas designated for such operations. Therefore, the overall industrial nature of the area would not change as a result of the proposed project and any associated impacts would be minor.

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				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:
B. Cultural Uniqueness and Diversity:

The asphalt plant operation would cause no disruption to the above-cited economic and social resources or cultural uniqueness and diversity of the human environment in any given area of operation because the source would be a minor industrial source of emissions, would initially and typically operate in an existing industrial site used for such purposes, and would operate on a temporary basis. The predominant use of the surrounding area would not change as a result of the proposed 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 minor industrial source and would conduct only seasonal and intermittent operations. The facility would require the use of only a few 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 would be minor because the source would be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production:

Previous MEPA analysis for gravel pit construction permitted concluded potential impacts to agricultural or industrial production would be minor and temporary. As no additional land disturbance is proposed by this action no impacts to agricultural production are expected. Minor impacts to industrial production are expected as the facility described in the proposed action produces a construction material. However, the proposed operation remains relatively small by industrial standards. Overall, potential impacts to agricultural and industrial production are expected to be minor.

E. Human Health:

Permit #4215-00 would include limits and conditions to ensure that the asphalt plant facility 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.

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

Noise from the facility would be minor because the asphalt plant operation would be small by industrial standards and would initially and typically operate in areas used for such operations. As a result, the amount of noise generated from the asphalt plant operation would be minimal for the area. Therefore, any impacts to the quality of recreational and wilderness activities created by the proposed project would be expected to be minor and short-lived. Similarly, the asphalt plant operation would initially and typically operate within areas designated for such operations; therefore, impacts to access to recreational and wilderness areas are expected to be minor or insignificant. Overall potential impacts to access to and quality of recreational and wilderness activities are expected to be minor.

G. Quantity and Distribution of Employment:
H. Distribution of Population:

The proposed asphalt plant operation would require only a few employees to operate thereby resulting in little, if any, permanent immigration into or emigration out of a given area. Therefore, the proposed project would not impact the above-cited economic and social resources of the human environment at the initially proposed or any other given operating site.

I. Demands for Government Services:

Minor increases would be seen in traffic on existing roadways in the area while the asphalt plant operation is in progress. In addition, government services would be required for acquiring the appropriate permits for the proposed project and to verify compliance with the permits that would be issued. Overall, any demands for government services would be minor.

J. Industrial and Commercial Activity:

The asphalt plant operation would represent only a minor increase in the industrial activity in the proposed initial or any future area of operation because the source would be a relatively small industrial source that would be portable and temporary in nature. Very little, if any, additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals:

The Department is not aware of any locally adopted environmental plans or goals in the initial area of operation or any future operating site since Permit #4073-00 would allow for operations at various unknown locations throughout the state. However, if the plant moved to an area classified as non-attainment for PM_{10}, the operation would be required to apply for and receive an addendum to Permit #4215-00 prior to operation at the site. The addendum would include more restrictive requirements to protect the non-attainment area from further degradation. The state standards would be protective of any proposed area of operation.

L. Cumulative and Secondary Impacts:

The asphalt plant operations as proposed at its initial location in conjunction with other pending permitting actions as described in Section 7.J. would cause minor cumulative and secondary impacts

to the social and economic aspects of the human environment in the immediate area of operation because the combined operations are relatively small by industrial standards.

The source would be a portable and temporary source. Few, if any, other industrial operations would be expected to result from the permitting and operation of this facility. Minor increases in traffic would have minor effects on local traffic in the immediate area. Because the source is relatively small and temporary, only minor economic impacts to the local economy would be expected from operating the facility.

Overall, the proposed asphalt plant operation would result in only minor and temporary secondary and cumulative impacts to the social and economic aspects of the human environment of the initially proposed and any future operating site.

Recommendation: No EIS is required. Permit #4215-00 includes conditions and limitations to ensure the facility will operate in compliance with all applicable air quality rules and regulations. In addition, all impacts associated with the proposed action are expected to be insignificant or minor.

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, Industrial and Energy Minerals Bureau; Montana Historical Society – State Historic Preservation Office; Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: Julie Merkel
Date: 04/30/08