Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
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PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: November 17, 2008

Name of Applicant: Fisher Sand and Gravel Co.

Source: Portable Crushing 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 3172-01.

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 December 2, 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

Vickie Walsh
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-3490

Kathleen Doran

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VW: kd
Enclosure

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air and Waste Management Bureau
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(406) 444-3490

DRAFT ENVIRONMENTAL ASSESSMENT (EA)

Issued For: Fisher Sand and Gravel Company
P.O. Box 1034
Dickinson, ND 58602-1034

Permit Number: #3172-01

Preliminary Determination on Permit Issued: November 17, 2008
Department Decision Issued:
Permit Final:

1. *Legal Description of Site*: MAQP #3172-01 would allow FS&G to operate a portable crusher, originally located in the NW¼ of Section 35, Township 16 North, Range 54 East, Dawson County, Montana, to operate at any location in the State of Montana, except within those areas having a Department-approved permitting program, those areas considered tribal lands, or those areas in or within 10 km of certain PM_{10} nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.*

2. *Description of Project*: The permit modification is to update the permit to include the operation of a portable diesel-fired engine (maximum capacity of 450 hp). The process description is discussed in the permit analysis Section I.B of Permit #3172-01.

3. *Objectives of Project*: FS&G submitted the current permit modification to allow for the use of a 450-hp diesel-fired engine that will provide power to the crusher through a gear box. The permit would allow FS&G to produce aggregate to sell to customers in construction.

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 crushing facility. However, the Department does not consider the "no-action" alternative to be appropriate because FS&G 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 listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in Permit #3172-01.

6. *Regulatory Effects on Private Property Rights*: The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined 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 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

The operation of the diesel-fired engine would have only minor impacts upon the terrestrial and aquatic life and habitats in areas where the diesel-fired engine may operate. Although air pollutant deposition would occur in the areas where the diesel-fired engine would operate; the size and temporary nature of the operation, dispersion characteristics of pollutants, and conditions placed in Permit #3172-01 would result in minor impacts. In addition, the diesel-fired engine would be relatively small by industrial standards and located at previously disturbed sites. Therefore, the operation of the diesel-fired engine 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-fired engine 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 #3172-01 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 diesel-fired engine 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-fired engine, 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 the portable engine 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 #3172-01, impacts from deposition would be minimized. In addition, the diesel-fired engine 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 diesel-fired engine would result in minor impacts to the vegetative cover, quantity, and quality, because small amounts of vegetations would likely be disturbed as a result of operating the diesel-fired engine. 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 #3172-01, 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-fired engine would be visible and would create noise in the areas where it would operate. Permit #3172-01 would include conditions to control emissions (including visible emissions) from the diesel-fired engine and the surrounding work area. The diesel-fired engine would be relatively small by industrial standards and temporary and would be used to power permitted equipment owned by FS&G 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-fired engine would be minor because emissions from the diesel-fired engine would be relatively small. Dispersion and deposition of pollutants would occur from the operation of the diesel-fired engine; however, the Department determined that any air quality impacts from the pollutants would be minor.

Permit #3172-01 would include conditions limiting opacity from the diesel-fired engine 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, the permit would also limit total emissions from the diesel-fired engine and any additional equipment at the same site to 250 tons per year or less. Further, because the diesel-fired engine potential emissions would be less that 100 tons per year for any pollutant generated, the Department determined that the diesel-fired engine is a minor source of emissions as defined under Title V.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The proposed project would have minor, if any, impact on any unique endangered, fragile, or limited environmental resources because there are no such resources identified in the area. The Department, in an effort to identify any species of special concern associated with the initial site location and to assess any potential impacts, contacted the Montana Natural Heritage Program (MNHP), the U.S. Fish & Wildlife Service, and the Montana Fisheries Information Service. Search results have concluded there is no such environmental resource in the area. Area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer. Issuance of Permit #3172-01 would increase emissions to the atmosphere near locations where the operation of the diesel-fired engine might occur, however; as explained in Section 7.F. of this EA, because of the relatively small size and temporary nature of the diesel-fired engine, operating in previously disturbed areas, and conditions placed in this permit, 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-fired engine would be used to provide power to the permitted crusher through a gear box. Water would be used on haul roads, access roads, parking lots, or other general plant property, as necessary, to control dust resulting from indirect use of the diesel-fired engine. Also minor amounts of air would be used in diesel-fired engine operations and air quality would be impacted by pollutant emissions. The diesel-fired engine 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

The crushing operations would locate within a previously disturbed industrial site typically used for portable crushing operations and portable asphalt plants. According to the Montana State Historic Preservation Office, there is low likelihood of adverse disturbance to any known archaeological or historic site, given previous industrial disturbance within the area. Therefore, the operation would not have an effect on any known historic or archaeological site.

J. Cumulative and Secondary Impacts

The operation of the diesel-fired engine 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 Department believes that this facility could be expected to operate in compliance with all applicable rules and regulations as would be outlined in Permit #3172-01.

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 Department has prepared the following comments.

A. Social Structures and Mores

The operation of the diesel-fired engine would not alter or disrupt any local lifestyles or communities (social structures and mores) in the area of operation because the diesel-fired engine 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 the diesel-fired engine would have any impact on the cultural uniqueness and diversity of the proposed area of operation because the diesel-fired engine operations would be temporary and would take place in a previously disturbed industrial area.

C. Local and State Tax Base and Tax Revenue

The operation of the diesel-fired engine would have little, if any, effect 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 #3172-01, and any revenue created by the operation of the diesel-fired engine would be widespread and for a relatively short time period.

D. D. Agricultural or Industrial Production

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

E. Human Health

Permit #3172-01 would incorporate conditions to ensure that the diesel-fired engine 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 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 #3172-01. The air emissions from this facility would be minimized by opacity limitations on the diesel-fired engine and the surrounding area of operation.

F. Access to and Quality of Recreational and Wilderness Activities

The diesel-fired engine would be located on previously disturbed property and would not impact access to recreational and wilderness activities. However, minor impacts on the quality of recreational activities might be created by noise from the diesel-fired engine. Emissions from this diesel-fired engine would be minimized due to 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-fired engine 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 #3172-01.

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-fired engine 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-fired engine 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-fired engine 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 not aware of any locally adopted environmental plans or goals at any given site that the diesel-fired engine might be operated at under Permit #3172-01. The conditions identified in Permit #3172-01 would apply to operation of the diesel-fired engine at any proposed sites.

L. Cumulative and Secondary Impacts

Overall, the cumulative and secondary social and economic impacts from this project would be minor because the diesel-fired engine would originally locate at a previously disturbed 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-fired engine. Because no new employees would be hired due to the operation of the diesel-fired engine, 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: An Environmental Impact Statement (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. In addition, the source would be applying the Best Available Control Technology and the analysis indicates compliance with all applicable air quality rules and regulations.

Other groups or agencies contacted or that may have overlapping jurisdiction: Department of Environmental Quality - Permitting and Compliance Division (Air Resource Management Bureau and Industrial and Energy Minerals Bureau); Montana Natural Heritage Program; State Historic Preservation Office (Montana Historical Society); U.S. Fish & Wildlife Service; and Montana Fisheries Information Service.

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

EA prepared by: K. Doran
Date: November 12, 2008