Montana Department of
ENVIRONMENTAL QUALITY
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January 14, 2011

Mr. Clarence Davis
HK Contractors, Inc
PO Box 51450
Idaho Falls, ID 83405

Dear Mr. Davis:

Montana Air Quality Permit #4613-00 is deemed final as of January 14, 2011, by the Department of Environmental Quality (Department). This permit is for a portable crushing and screening operation. 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,

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

Shawn Juers
Environmental Engineer
Air Resources Management Bureau
(406) 444-2049

VW:SJ
Enclosure

DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Air Resources Management Bureau
P.O. Box 200901, Helena, MT 59620
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued To: HK Contractors, Inc.

Montana Air Quality Permit number: 4613-00

Preliminary Determination Issued: 12/13/2010
Department Decision Issued: 12/29/2010
Permit Final: 1/14/2011

1. *Legal Description of Site*: East ½ of the Southeast ¼ of Section 14, Township 10 North, Range 3 West, in Lewis and Clark County, Montana

2. *Description of Project*: The project will use portable crushing and screening equipment, and associated equipment, to crush and sort asphalt and concrete materials for purposes of reusing the materials. The equipment may also be used to crush and sort sand and gravel type material for various uses.

3. *Objectives of Project*: The objective of the crushing and screening operation is to produce business and revenue by selling aggregate to support various projects. The issuance of MAQP #4613-00 would allow HK Contractors to operate the permitted equipment at various locations throughout Montana.

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 HK Contractors has 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, including a BACT analysis, would be included in MAQP #4613-00.

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			XX			Yes
B	Water Quality, Quantity, and Distribution			XX			Yes
C	Geology and Soil Quality, Stability and Moisture			XX			Yes
D	Vegetation Cover, Quantity, and Quality			XX			Yes
E	Aesthetics			XX			Yes
F	Air Quality			XX			Yes
G	Unique Endangered, Fragile, or Limited Environmental Resources			XX			Yes
H	Demands on Environmental Resource of Water, Air and Energy			XX			Yes
I	Historical and Archaeological Sites			XX			Yes
J	Cumulative and Secondary Impacts			XX			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 crushing and screening operation. The proposed crushing/screening operations would be considered a minor source of emissions by industrial standards. Limitations and conditions would be placed in MAQP #4613-00 to minimize these emissions. Furthermore, this project would typically operate in an area designated and used for such activities. In consideration of operations in accordance with the limitations and conditions of MAQP #4613-00, only minor impacts on terrestrial life and habitats would be expected.

B. Water Quality, Quantity and Distribution

Water would be used as required for dust suppression on haul roads, the general plant area, on piles, and as a part of equipment operation. Chemical dust suppression may also be used as necessary to reduce particulate matter emissions. Impacts to water quality, quantity, and distribution would be expected to be minor.

C. Geology and Soil Quality, Stability and Moisture

The proposed crushing/screening operation would typically operate within areas designated for such operations. As discussed above in Section 7.B of this section, water would be expected to be used for dust suppression. Resulting impacts to geology, stability, and moisture would be expected to be minor. Use of water would be necessary to greatly reduce potential particulate matter emissions.

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 aggregate crushing and screening, impacts from the emissions from the crushing/screening facility would be expected to be minor.

The amount of allowable air emissions from this facility would be minor. Conditions and limitations require control of particulate matter from equipment operations and control of fugitive emissions from haul roads. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be expected to be minor. With consideration of operations in accordance with MAQP #4613-00, effects to vegetation cover, quantity, and quality, would be expected to be minor.

E. Aesthetics

The crushing/screening operation would be visible and would create additional noise while in operation. However, operations would normally take place in areas previously designated and used for such activities. Therefore, minor effects to aesthetics would be expected as a result of issuing MAQP #4613-00.

F. Air Quality

MAQP #4613-00 would limit the emissions allowable from the facility. The air quality impacts from the crushing and screening operation would be expected to be minor because the facility would be relatively small and would be required to operate using appropriated air pollution controls. MAQP #4613-00 would include conditions limiting the opacity from the plant, as well as requiring water spray as necessary to control particulate matter from haul roads. As discussed in the permit analysis associated with MAQP #4613-00, air quality modeling was conducted for NO_X emissions to demonstrate compliance with the 1-hr NO_2 standards. With consideration of operations in accordance with the requirements of MAQP #4613-00, air quality impacts would be expected to be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department contacted the Montana Natural Heritage Program (MNHP) to identify species of special concern that may be found in the area where the proposed portable plant would initially locate. Search results concluded that there are 8 species of concern in the area. Species of concern include the Bald Eagle, the Long-billed Curlew, the Lewis's Woodpecker, the Brewer's Sparrow, the Bobolink, the Grey Wolf, the Wedge-leaved Saltbush, and the Small Yellow Lady's Slipper.

The Bald Eagle has a listed state conservation status of S3, signifying a state-level rank of vulnerable. The global conservation status is G5, signifying a global-level rank of secure. Secure is defined by NatureServe.org as common; widespread and abundant. The bald eagle is found primarily in forested areas along rivers and lakes, especially during breeding season. However, nesting site selection is dependent upon food availability and disturbance from human activity. The MNHP identified bald eagle nests potentially located within 2.5 miles of the plant operations. To aid in determining potential impacts to the local Bald Eagle population, the Department consulted the U.S. Department of Interior, Bureau of Reclamation Montana Bald Eagle Management Plan (MBEMP). With the identified nests being greater than 0.5 mile away from the facility, the site would fall into an MBEMP "Zone III" classification, representing the home range for bald eagles. Zone III is classified as the area from 0.5 mile to 2.5 miles in radius from the nest site (Zone II from 0.25 to 0.5 miles, Zone I from 0 to 0.25 miles). Zone III represents most of the home range used by eagles during nesting season, usually including all suitable foraging habitat within 2.5 miles of all nest sites in the breeding area that have been active within 5 years. The objectives in Zone III areas include maintaining suitability of foraging habitat, minimizing disturbance within key areas, minimizing hazards, and maintaining the integrity of the breeding area.

As described in Section 7.D of this environmental assessment, impacts to Vegetation Cover, Quantity, and Quality from pollutant deposition would be expected to be minor. Conditions and limitations in MAQP #4613-00 would limit the allowable emissions of particulate matter. Control of fugitive dust emissions would also be required. Furthermore, because the plant would be permitted to initially operate in an area in which open cut operations have previously occurred, the project would not be expected to significantly increase disturbance within the area. As described in Section 7.F, the Department determined that impacts to air quality would be minor. With these considerations, the Department has determined that impacts to Bald Eagles would be expected to be minor.

The Long-billed Curlew, Numenius americanus, is a large North American shorebird of the family Scolopacidae. The species is native to central and western North America. This species has a listed state conservation status of S3, indicating the species is potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas. The global conservation status is G5, signifying a global-level rank of secure.

In the winter, the species migrates southwards, as well as towards the coastline. Adults have a very long bill curved downwards, a long neck and a small head. The neck and underparts are a light cinnamon, while the crown is streaked with brown.

A small hollow is lined with various weeds and grasses to serve as the nest. Four eggs are always laid as this is a characteristic of shorebirds. The Long-billed Curlew is a precocial bird (young are relatively mature and mobile from the moment of birth or hatching) and the chicks leave the nest soon after hatching. Both parents look after the young.

As described in Section 7.D of this environmental assessment, impacts to Vegetation Cover, Quantity, and Quality from pollutant deposition would be expected to be minor. Because the plant would be permitted for operations in an area in which prior open cut operations have occurred, the project would not be expected to significantly increase disturbance within the area. As described in Section 7.F, the Department determined that impacts to air quality would be minor. With these considerations, the Department has determined that any impacts to the Long-billed Curlew would be expected to be minor.

The Lewis's Woodpecker is a medium sized woodpecker, approximately 10 to 11 inches in length. The head, back, wings and tail are greenish-black. They have a silver-pale collar and upper breast. The face is dark red and the belly and lower breast is pinkish or salmon-red. Juvenile birds are distinct from adults, having an overall dark appearance with more brownish-black on the back. They usually lack the silver color of the neck, the pinkish belly color, as well as the red on the face.

Lewis's Woodpeckers are not well adapted to excavate cavities in hard wood. They tend to nest in a natural cavity. Important habitat features include an open tree canopy, a brushy understory with ground cover, dead trees for nest cavities, dead or downed woody debris, perch sites, and abundant insects. Lewis's Woodpeckers use open ponderosa pine forests. In late summer, wandering flocks move from valleys into mountains or from breeding habitat to orchards. An important habitat feature in many wintering areas is the availability of storage sites for grains or mast, such as tree bark.

No specific information on food habits for Lewis's Woodpecker is available for Montana. Information from studies in other areas of the species' range indicate that Lewis's Woodpeckers feed on adult emergent insects. Unlike other woodpeckers, the Lewis's Woodpecker does not bore for insects but will flycatch and glean insects from tree branches or trunks; they also drop from a perch to capture insects on the ground.

As discussed in Section 7.A. of this environmental assessment, impacts to terrestrial life and habitats would be expected to be minor. Furthermore, because the crushing and screening plant would be permitted for operations in an area in which open cut operations have previously occurred, the project would not be expected to significantly increase disturbance within the area. The Department has determined that minor impacts, if any, to the Lewis's Woodpecker would be expected as a result of issuing MAQP #4613-00.

The Brewer's Sparrow, Spizella breweri, is a small, slim species of American sparrow in the family Emberizidae. These birds migrate to the southwestern United States south to central Mexico. These birds forage primarily in shrubs or in low vegetation, but also on the ground. They mainly eat insects in summer with seeds becoming a more important part of the diet at other times of the year. They usually forage in flocks outside of the breeding season, sometimes with other sparrows. The female typically lays 3 to 4 eggs (up to 5) in a cup nest in low shrubs. In central Montana, food volume was 71 to 81% animal and 8 to 17% plant (grass seeds) with 59 to 69% of the food being grasshoppers and beetles. 74% of nests were found between 6 to 8 inches above the ground in big sagebrush plants. Statewide, the species nests from mid-June to mid-July.

As described in Section 7.D of this environmental assessment, impacts to Vegetation Cover, Quantity, and Quality from pollutant deposition would be expected to be minor. Conditions and limitations in MAQP #4613-00 would limit the allowable emissions of particulate matter. Control of fugitive dust emissions would also be required. As discussed in Section 7.A of this environmental assessment, impacts to terrestrial life and habitats would be expected to be minor. Furthermore, because the plant would be permitted to initially operate in an area in which open cut operations have previously occurred, the project would not be expected to significantly increase disturbance within the area. Therefore, the Department would expect any impacts to the Brewer's Sparrow to be minor.

The Gray Wolf has a listed state conservation status of S3, indicating the species is potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas. The global conservation status is G4, signifying a global-level rank of apparently secure. Apparently secure is defined by NatureServe.org as uncommon but not rare; some cause for long-term concern due to declines or other factors. In the mid-to-late 1980s, in an effort to restore wolf populations, the gray wolf was reintroduced into three recovery areas – Northwestern Montana, Central Idaho, and the Greater Yellowstone.

The wolf exhibits no particular habitat preference except wolves usually occupy areas with few roads or human disturbance. Since the gray wolf is regional, it is unlikely that the installation and operation of the crushing and screening equipment would have any impact on these animals, as this initial site already contains previous industrial activity.

The Bobolink is a kind of blackbird, and the only member of genus Dolichonyx. This species has a listed state conservation status of S3, signifying a state-level rank of vulnerable. The global conservation status is G5, signifying a global-level rank of "secure."

The Bobolink breeding habitats are open grassy fields, especially hay fields, across North America. Females lay 5 to 6 eggs in a cup-shaped nest, which is always situated on the ground and is usually well-hidden in dense vegetation. These birds migrate to Argentina, Bolivia and Paraguay and often migrate in flocks, feeding on cultivated grains and rice.

As described in Section 7.D of this environmental assessment, impacts to Vegetation Cover, Quantity, and Quality from pollutant deposition would be expected to be minor. Because the plant would be permitted for operations in an area in which operations have previously been permitted, the project would not be expected to significantly increase disturbance within the

area. As described in Section 7.F, the Department determined that impacts to air quality would be minor. With these considerations, the Department has determined that any impacts to the Bobolink would be expected to be minor.

The Wedge-leaved Saltbush and the Small Yellow Lady's Slipper are vascular plants. Vascular plants are those plants that have lignified tissues for conducting water, minerals, and photosynthetic products through the plant. As allowable emissions are limited and control of fugitive dust emissions is required, deposition is expected to be minimal, and minor effects to the Saltbush or Yellow Lady's Slipper would be expected. As described in Section 7.D of this environmental assessment, impacts to Vegetation Cover, Quantity, and Quality from pollutant deposition would be expected to be minor.

In consideration that the proposed initial location is to be located at an existing and operating open cut pit, with the considerations above, the Department has determined that overall, the proposed operations in accordance with the limitations and conditions of MAQP #4613-00 would present minor impacts to unique endangered, fragile, or limited environmental resources. The overall impact would be expected to be minor.

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

The project would require resources of water, air, and energy for proper operation. Water would be used for dust suppression and would control particulate emissions being generated at the site. Energy requirements would be required, and consist mostly of on-site diesel fired generators. Impacts to water, air, and energy resources of this facility in any given area would be expected to be minor.

I. Historical and Archaeological Sites

The initial location in which this crushing and screening operation proposes to operate is within an existing open cut pit. Therefore, minor, if any, impacts to any historical or archaeological sites would be expected as a result of issuing MAQP #4613-00.

J. Cumulative and Secondary Impacts

The proposed project would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment. The potential impacts to the individual physical and biological considerations above are expected to be minor. Collectively, any cumulative or secondary impacts to the physical and biological aspects of the human environment would be expected to be minor.

Crushing and screening operations typically operate within a previously disturbed open-cut pit used for such purposes. Therefore, there is a low likelihood that assembly and operation of the plant in any of these locations would cause significant additional impacts. Given the expected temporary and portable nature of actual operations, any impacts would be expected to be short-lived, although this assessment is completed with an understanding that no permit condition limits the length of stay at an initial location. Operational conditions and limitations in the permit would be protective of resources by limiting overall impacts to the surrounding environment.

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			XX			Yes
B	Cultural Uniqueness and Diversity			XX			Yes
C	Local and State Tax Base and Tax Revenue			XX			Yes
D	Agricultural or Industrial Production			XX			Yes
E	Human Health			XX			Yes
F	Access to and Quality of Recreational and Wilderness Activities			XX			Yes
G	Quantity and Distribution of Employment			XX			Yes
H	Distribution of Population			XX			Yes
I	Demands for Government Services			XX			Yes
J	Industrial and Commercial Activity			XX			Yes
K	Locally Adopted Environmental Plans and Goals			XX			Yes
L	Cumulative and Secondary Impacts			XX			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 initial location of this portable crushing and screening operation is to be within a previously used open cut area. Therefore, in consideration of previous land use and industrial activity, the Department would expect minor effects to social structures and mores, or cultural uniqueness or diversity.

C. Local and State Tax Base and Tax Revenue

The crushing and screening operation would be expected to have little impact on the local and state tax base and tax revenue because the facility would be a minor industrial source and would be expected to have actual operations which are seasonal and intermittent. The proposed project would not be expected to require any more than a few employees. Furthermore, the impacts to local tax base and revenue would be minor because the source would continue to be portable with transfer of locations probable.

D. Agricultural or Industrial Production

The crushing and screening operation would result in only minor impacts to local industrial production since the facility would be a minor source of air emissions. Deposition of air pollutants would occur on the surrounding land, however, conditions and limitations of MAQP #4613-00 would require control of potential emissions, resulting in relatively minor amounts of particulate matter deposition. Minor effects on vegetation or agricultural production would be expected.

As the initial location is of this portable crushing and screening operation is to be within a previously used open cut area, effects to industrial production in the area would be expected to be minor.

E. Human Health

The conditions and limitations of MAQP #4613-00 would be derived from rules intended to protect human health. In consideration of operations in compliance with the conditions and limitations which would be placed in MAQP #4613-00, the Department would expect minor impacts to human health.

F. Access to and Quality of Recreational and Wilderness Activities

The initial location of this portable crushing and screening operation is to be within a previously used open cut area. As discussed in Section 7. E, minor effects to aesthetics would be expected. The Department would expect minor effects to the access to and quality of recreational and wilderness activities.

G. Quantity and Distribution of Employment

A potential minor increase in the quantity or stability of employment would be expected as a result of issuance of MAQP #4613-00. Minor affects to the quantity and distribution of employment would be expected.

H. Distribution of Population

MAQP #4613-00 would be for a portable crushing and screening operation. A relatively small number of employees would be expected and transfer of location of operations would likely occur. The Department would expect changes in the distribution of population to be minor.

I. Demands for Government Services

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. The demands for government services would be expected to be minor.

J. Industrial and Commercial Activity

Trucks would potentially haul raw and product material to and from the site. The process equipment operated would be portable in nature and transfer of locations would likely occur. The initial location of this portable crushing and screening operation is to be within a previously used open cut area. Overall, the effects to industrial and commercial activity would be expected to be minor.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans and goals in which MAQP #4613-00 would affect. The limitations and conditions of MAQP #4613-00 would be derived from rules intended to protect human health.

L. Cumulative and Secondary Impacts

Potential economic and social effects of any individual considerations above would be expected to be minor. The Department has determined that collectively, the potential cumulative and secondary impacts would be expected to be minor.

Recommendation: No Environmental Impact Statement (EIS) is required.

If an EIS is not required, explain why the EA is an appropriate level of analysis:

The current permitting action is for the construction and operation of a portable crushing and screening operation. MAQP #4613-00 includes conditions and limitations to ensure the facility will operate in compliance with all applicable rules and regulations. In addition, there are no significant impacts associated with this proposal.

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, Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: Shawn Juers
Date: 12/2/2010