



PRELIMINARY DETERMINATION  
ON PERMIT APPLICATION

Date of Mailing: March 16, 2011

Name of Applicant: Jim Gilman Excavating, Inc.

Source: Portable Crushing and Screening Operation

Proposed Action: The Department of Environmental Quality (Department) proposes to issue a permit, with conditions, to the above-named applicant. The application was assigned Montana Air Quality Permit Application Number 2545-06.

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 April 15, 2011. 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) 444-3490

Paul Skubinna  
Environmental Engineer  
Air Resources Management Bureau  
(406) 444-6711

VW:PS  
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:* Jim Gilman Excavating, Inc.

*Montana Air Quality Permit number:* 2545-06

*Preliminary Determination Issued:* 3/16/2011

*Department Decision Issued:*

*Permit Final:*

1. *Legal Description of Site:* Section 25, Township 4 North, Range 10 West, Deer Lodge County
2. *Description of Project:* Gilman proposes to use a crushing/screening plant, as described above, to crush and sort sand and gravel materials for sale for use in construction operations. For a typical operational setup, the raw material is processed through the jaw and hydrocone crushers. The processed material is then screened by means of the 3-deck screens and either stockpiled for use or conveyed back through the crushing/screening operation.
3. *Objectives of Project:* The objective of this project is to update permit information regarding the engines used to power the electrical generators operated under the permit pursuant to the Administrative Order on Consent from Docket No AQ-10-04 (FID 1891). The proposed engines include a Tier 2, 2,206 hp compression ignition engine to power the primary generator for the facility and a 150 hp compression ignition engine to power a generator supplying power to equipment heaters. Gilman also requested hours of operation limits be placed on the engines to maintain synthetic minor status relative to the Title V Major Stationary Source threshold.
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 Gilman 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 #2545-06.
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

The proposed permitting action would not impact terrestrial and aquatic life and habitats because the plant is an existing facility and no substantive increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

B. Water Quality, Quantity and Distribution

The proposed permitting action would not impact water quality, quantity and distribution because the plant is an existing facility and no substantive increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

C. Geology and Soil Quality, Stability and Moisture

The proposed permitting action would not impact geology and soil quality, stability and moisture because the plant is an existing facility and no substantive increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

D. Vegetation Cover, Quantity, and Quality

The proposed permitting action would not impact vegetation cover, quantity, and quality because the plant is an existing facility and no substantive increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

E. Aesthetics

The proposed permitting action would not impact aesthetics because the plant is an existing facility and no substantive increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

F. Air Quality

The proposed permitting action would not impact air quality because the plant is an existing facility and no substantive increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The proposed permitting action would not impact unique endangered, fragile, or limited environmental resources because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

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

The proposed permitting action would not impact demands on environmental resource of water, air and energy because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

I. Historical and Archaeological Sites

The proposed permitting action would not impact historical and archaeological sites because the plant is an existing facility in an existing disturbed area (gravel pit) and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

J. Cumulative and Secondary Impacts

The proposed permitting action would not have cumulative and secondary impacts because the asphalt batch plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

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

The proposed permitting action would not impact social structures and mores because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

B. Cultural Uniqueness and Diversity

The proposed permitting action would not impact cultural uniqueness and diversity because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

C. Local and State Tax Base and Tax Revenue

The proposed permitting action would not impact local and state tax base and tax revenue because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

D. Agricultural or Industrial Production

The proposed permitting action would not impact agricultural or industrial production because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

E. Human Health

The proposed permitting action would not impact human health because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

F. Access to and Quality of Recreational and Wilderness Activities

The proposed permitting action would not impact access to and quality of recreational and wilderness activities because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

G. Quantity and Distribution of Employment

The proposed permitting action would not impact quantity and distribution of employment because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

H. Distribution of Population

The proposed permitting action would not impact distribution of population because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

I. Demands for Government Services

The proposed permitting action would have minor impacts on demands for government services because issuance of, and assuring compliance with, this permit requires government action and resources.

J. Industrial and Commercial Activity

The proposed permitting action would not impact industrial and commercial activity because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

K. Locally Adopted Environmental Plans and Goals

The proposed permitting action would not impact locally adopted environmental plans and goals because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

L. Cumulative and Secondary Impacts

The proposed permitting action would not have cumulative and secondary impacts because the plant is an existing facility and no increases or decreases in operational schedule, new construction, new discharges or new emissions are proposed by this permitting action.

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

The current permitting action is for the construction and operation of nonmetallic mineral processing plant. MAQP #2545-06 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, Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: P. Skubinna  
Date: February 28, 2011