



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

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PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: January 27, 2012

Name of Applicant: Nelcon 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 (MAQP) Application Number 4713-00.

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 November 29, 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

Stephen Coe P.E.
Environmental Engineer
Air Resources Management Bureau
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VW:SC
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: Nelcon Inc.
Box 5370
Kalispell, MT 59903

Montana Air Quality Permit number: 4713-00
Preliminary Determination Issued: January 27, 2012
Department Decision Issued:
Permit Final:

1. **Legal Description of Site:** Nelcon submitted an application to add additional equipment and operate a crushing/screening operation to be located in Section 28, Township 21 North, Range 58 East, in Richland County, Montana. MAQP #4713-00 would apply to the source 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 (PM₁₀) nonattainment areas. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.* Nelcon would be required to obtain an addendum to this MAQP to operate at locations in or within 10 km of certain PM₁₀ nonattainment areas.
2. **Description of Project:** Nelcon submitted a request to obtain a new permit to operate a crushing screening operation. New equipment includes: one jaw crusher, one cone crusher, two screens and one 425 horse power (hp) diesel generator.
3. **Objectives of Project:** The object of the project would be to produce business and revenue for the company through the sale and use of aggregate. The issuance of MAQP #4713-00 would allow Nelcon 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 Nelcon 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 Best Available Control Technology (BACT) analysis, would be included in MAQP #4713-00.
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 crushing and screening operation. The crushing and screening operation would be considered a minor source of emissions, by industrial standards, with intermittent and seasonal operations. Therefore, only minor effects on terrestrial life would be expected as a result of equipment operations or from pollutant deposition.

Impacts on aquatic life because of the additional equipment 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, only minor deposition would occur. The facility is located approximately 1,500 meters from the Yellowstone River. Therefore, only minor and temporary effects to aquatic life and habitat would be expected from the proposed crushing/screening operation.

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 a minor impact to the water quality, quantity, and distribution in the area, since only small amounts of water would be required to control air pollutant emissions and deposition of air pollutants (as described in Section 7.F of this EA).

C. Geology and Soil Quality, Stability and Moisture

Because the equipment will be operating at a facility which is a minor source of emissions by industrial standards, impacts from the emissions from the crushing facility would be minor.

The crushing and screening operation would have only minor impacts on soils in any proposed site location (due to the construction and use of the crushing facility) because the facility is relatively small in size, would use only relatively small amounts of water for pollution control, and would only have seasonal and intermittent operations. Therefore, any effects upon geology and soil quality, stability, and moisture at any proposed operational site would be minor.

D. Vegetation Cover, Quantity, and Quality

Because the additional equipment would be a minor source of emissions by industrial standards, impacts from the emissions from the crushing and screening facility would be minor.

As described in Section 7.F of this EA, the amount of air emissions from this facility would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor.

E. Aesthetics

The equipment would be visible and would create additional noise while operating in these areas. However, MAQP #4713-00 would include conditions to control emissions, including visible emissions, from the plant. Also, because the crushing and screening operation is portable, would operate on an intermittent and seasonal basis, and would typically locate within an open-cut pit, any visual and noise impacts would be minor and short-lived.

F. Air Quality

The air quality impacts from the equipment would be minor because the facility is relatively small. MAQP #4713-00 would include conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution. Further, MAQP #4713-00 would limit total emissions from the crushing and screening operation and any additional Nelcon equipment operated at the site to 250 tons/year or less, excluding fugitive emissions.

This facility would be used on a temporary and intermittent basis, thereby further reducing potential air quality impacts from the facility. Additionally, the small and intermittent amounts of deposition generated from the crushing/screening operation would be minimal because the pollutants emitted would be well controlled, widely dispersed (from such factors as wind speed and wind direction) and would have minimal deposition on the surrounding area. 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). Search results concluded there are such environmental resources found within the defined area. The defined area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer. *Zapus hudsonius* (Meadow Jumping Mouse), *Catharus fuscescens* (Veery), *Ardea Herodias* (Great Blue Heron), *Grus americana* (Whooping Crane), *Sternula Antillarum* (Least Tern), *Scaphirhynchus albus* (Pallid Sturgeon), *Polyodon spathula*, (Paddlefish), *Lepisosteus platostomus* (Shortnose Gar), *Macrhybopsis gelida* (Sturgeon Chub), *Macrhybopsis meeki* (Sicklefin Chub), *Cycleptus elongates* (Blue Sucker), *Sander Canadensis* (Sauger), *Lasiurus cinereus* (Hoary Bat), *Apalone spinifera* (Spiny Softshell) are species of concern in the area. These species potential location has been identified both within and outside the defined area.

Given the relatively small size of the facility and the temporary and portable nature of the operations, any impacts would be minor and short-lived. Additionally, operational conditions and limitations within MAQP #4713-00 would aid in the protection of these resources by protecting the surrounding environment. Therefore, impacts to unique, endangered, fragile, or limited environmental resources would be minor.

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

Due to the size of the facility, the crushing and screening operation would require only small quantities of water, air, and energy for proper operation. Small quantities of water would be used for dust suppression and would control particulate emissions being generated at the site. Energy requirements would also be small because the energy demands of the crushing and screening operation would be relatively small and the facility would not be used continuously. The facility would have limited production, and would have seasonal and intermittent use. 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. Therefore, any impacts to water, air, and energy resources in any given area would be minor.

I. Historical and Archaeological Sites

In an effort to identify any historical and archaeological sites located near the proposed project area, the Department contacted the Montana Historical Society, State Historic Preservation Office (SHPO). According to SHPO records, there are no previously recorded historic or archaeological sites within the proposed area. However, SHPO stated that the absence of cultural properties in the area does not mean that they do not exist, but may reflect a lack of previous cultural resource inventories in the area. The Department determined that the chance of the project impacting any historical and archaeological sites in the area would be minor due to the relatively small size of the project. However, should cultural materials be inadvertently discovered during this project SHPO requests that their office be contacted and the site investigated?

J. Cumulative and Secondary Impacts

The additional equipment would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would generate emissions of PM and PM₁₀. Noise would also be generated from the site. Emissions and noise would cause minimal disturbance because the equipment is small and the facility would be expected to operate in areas designated and 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 physical and biological aspects of the human environment 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

The additional equipment at the crushing and screening operation would cause no disruption to the social structures and mores in the area because the source is a minor source of emissions (by industrial standards) and would only have intermittent operations. Further, the facility would be required to operate according to the conditions that would be placed in MAQP #4713-00. Thus, no native or traditional communities would be affected by the proposed project operations and no impacts upon social structures or mores would result.

B. Cultural Uniqueness and Diversity

The impact to cultural uniqueness and diversity of these areas would be minor from the proposed equipment because the site will be located on ground previously used as irrigated hay ground. Additionally, the facility would be considered a portable/temporary source with seasonal and intermittent operations. Therefore, predominant use of the surrounding areas would experience minor change as a result of this project.

C. Local and State Tax Base and Tax Revenue

The equipment would have little, if any, impact on the local and state tax base and tax revenue because the facility would be a relatively small industrial source (minor source) and would be used on a seasonal and intermittent basis. The facility would likely add five additional 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 also be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The equipment at the crushing and screening operation would have only a minor impact on local industrial production since the facility is a minor source of emissions (by industrial standards). There could be minor effects on agricultural land from the deposition of pollutants (as described in Section 7.F of this EA) but, the facility operations would be small and temporary in nature, and would be permitted with operational conditions and limitations that would minimize impacts upon surrounding vegetation (as described in Section 7.D of this EA).

E. Human Health

MAQP #4713-00 would incorporate conditions to ensure that the crushing facility would operate 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 air emissions from this facility would be minimized by the use of water spray and other conditions that would be established in Permit #4713-00, though the facility's air emissions would be quite small without the use of pollution controls. Therefore, only minor impacts would be expected upon human health from the proposed crushing/screening facility.

F. Access to and Quality of Recreational and Wilderness Activities

The equipment at the crushing plant would typically operate within the confines of an open-cut pit. Therefore, only minor impacts upon the access to and quality of recreational and wilderness activities would result. Additionally, noise from the facility would be minor because the facility would typically operate within the confines of an existing open-cut pit. Also, the facility would operate on a seasonal and intermittent basis and would be relatively small by industrial standards. Therefore, any changes in the quality of recreational and wilderness activities created by operating the equipment at a given site would be expected to be minor and intermittent.

G. Quantity and Distribution of Employment

The portable crushing and screening operation is small and would only require a few additional employees to operate. The crushing and screening operation is a small, portable source, with seasonal and intermittent operations and would not be expected to have any long-term effects upon the quantity and distribution of employment in any given area of operation. Therefore, no effects upon the quantity and distribution of employment in these areas would be expected.

H. Distribution of Population

The portable crushing and screening operation is small and would only require a few additional employees to operate. Also, no individuals would be expected to permanently relocate to a given area of operation as a result of operating the crushing facility, which would have only intermittent and seasonal operations. Therefore, the crushing facility would not disrupt the normal population distribution in a given area of operation.

I. Demands for Government Services

Little or no increases would be seen in traffic on existing roadways in a given area while the crushing and screening operation is in progress. In addition, government services would be required for acquiring the appropriate permits from government agencies and determining compliance with the permits. Overall, the demands for government services would be minor.

J. Industrial and Commercial Activity

The crushing and screening operation would represent little or no increase in the industrial activity in any given area because the source would be a minor source (relatively small in size by industrial standards) and would be portable and temporary in nature. No 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 and goals that would affect Nelcon. The facility would be allowed, by permit, to operate in areas designated by EPA as attainment or unclassified. MAQP #4713-00 would contain limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. Because the facility would be a small and portable source, and would have intermittent and seasonal operations, any effects from the facility would be minor and short-lived.

L. Cumulative and Secondary Impacts

The crushing and screening operation would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate areas of operation because the source is a portable and temporary source. Minor increases in traffic would have minor effects on local traffic in the immediate areas, thus, having a direct effect on the social environment. Because the source is relatively small and temporary, only minor economic impacts to the local economy would be expected from operating the facility. Thus, only minor and temporary cumulative effects would result to the local economy.

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/screening facility. MAQP #4713-00 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, Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: Stephen Coe P.E.

Date: January 27, 2012