



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

February 10, 2012

Mr. Chris Mehring
R.E. Miller & Sons
15 Ramshorn
Dillon, MT 59725

Dear Mr. Mehring:

The Department of Environmental Quality (Department) has made its decision on the Montana Air Quality Permit application for R.E. Miller & Sons. The application was given permit number 3040-03. The Department's decision may be appealed to the Board of Environmental Review (Board). A request for hearing must be filed by February 27, 2012. This permit shall become final on February 28, 2012, unless the Board orders a stay on the permit.

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 before the final date stated above. 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, Montana 59620.

Conditions: See attached.

For the Department,

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

Deanne Fischer, P.E.
Environmental Engineer
Air Resources Management Bureau
(406) 444-3403

VW:DF
Enclosure

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

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued For: R.E. Miller and Sons
15 Ramshorn
Dillon, MT 59725

Montana Air Quality Permit (MAQP) number: 3040-03

Preliminary Determination Issued: January 10, 2012

Department Decision Issued: February 10, 2012

Final Permit Issued:

1. *Legal Description of Site:* The R.E. Miller and Sons (R.E. Miller) home pit is located in the NW¼ of Section 16 and the SW¼ of Section 9, Township 8 South, Range 9 West, in Beaverhead County, Montana This permit is for the operation of a portable crushing/screening plant to be located in various locations throughout the State of Montana.
2. *Description of Project:* Under the current permit action R.E. Miller and Sons requested the addition of a 30 kilowatt (kW) Olympian diesel engine generator to the existing crushing/screening plant, a 5x12 electric scalping screen as part of the wash plant, and, replacement of a Deutz diesel engine driving a 1991 Finlay screen (from a 50 brake-horsepower (bhp) diesel engine to a 57.5 bhp diesel engine).
3. *Objectives of Project:* The crushing/screening plant would be used to crush and sort sand and gravel materials for sale and use in construction operations. The process description is discussed in the permit analysis, Section I.B, of MAQP #3040-03.
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 R.E. Miller 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 #3040-03.
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 total size of the site is 55 acres. Of the 55 acres, 13 acres are along the highway and are part of the Stoltz Minor Subdivision. The remaining 42 acres are for future development of the gravel pit. Terrestrials would use the same area as the crushing/screening operations. The new equipment added as part of the current permit action 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. Further, R.E. Miller holds an open-cut mining contract to operate at this site.

Impacts on aquatic life could result from 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 with minor amounts of water used for pollution control. Since good dispersion of air pollutants would occur in the proposed area of operation and only a minor amount of air emissions would be generated, only minor deposition would occur.

B. Water Quality, Quantity and Distribution

Water would be used as pollution control, but would only cause a minor disturbance to the area. The Beaverhead River is nearby; however, no surface water or ground water quality problems would be expected as a result of using water for pollution control. Any accidental spills or leaks from equipment would be handled according to the appropriate environmental regulations in an effort to minimize any potential adverse impact on the immediate and surrounding area.

C. Geology and Soil Quality, Stability and Moisture

The site is a dry-land bench area with one foot of topsoil, and the next 15-20 feet pit run gravel. The gravel is mined and the slopes backfilled with oversize rock and other on-site materials that are not suitable for gravel production. Topsoil is added over this material. The impacts of the new equipment added as part of the current permit action would be minor.

D. Vegetation Cover, Quantity and Quality

The quality and quantity of vegetation cover would not be affected by the new equipment added as part of the current permit action. R.E. Miller stockpiles the topsoil while they are mining the gravel, and uses the topsoil to cover the backfill. Each portion of the site is re-vegetated after the mining activities. Since the sites are pre-existing pits, the effects of the projects would be less noticeable.

E. Aesthetics

The new equipment added as part of the current permit action would be visible and would create additional noise in the area. The site is bordered by scattered farmland to the east, highway and interstate frontage to the west, and industrial developments to the north and south. MAQP #3040-03 includes conditions to control emissions (including visible emissions) from the plant. Since the new equipment added as part of the current permit action are small, any noise impacts will be minimal. The site is relatively quiet in relation to the surrounding industrial activities (Barretts Minerals, Montana Pride Hay Cubing, Sweetwater Garnet Plant, and Beaverhead Livestock).

F. Air Quality

The air quality impacts from the new equipment added as part of the current permit action would be minor. MAQP #3040-03 includes conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution. In addition, the emissions will be limited because the plant generally operates only five days per week and 20 weeks per year and the 30 kW and 635 kW diesel engine generators are limited to a maximum 5,700 hrs/year operation. Further, the crushing and screening operations are limited by MAQP #3040-03 to total particulate emissions of 250 tons per year (tpy) or less from the plant or from any additional equipment owned or operated by R.E. Miller at the site.

G. Unique Endangered, Fragile or Limited Environmental Resources

The Department previously contacted the Montana Natural Heritage Program (MNHP) in an effort to identify any species of special concern associated with the proposed site location. Search results have concluded there are several such environmental resources in the area. Area, in this case, would be defined by the township and range of the proposed site, with an additional one-mile buffer. The species of special concern include bald eagle, great basin pocket mouse, bitterroot milkvetch, and ferruginous hawk. While these resources are found within the defined area, the MNHP search did not indicate any species of special concern located directly on the proposed site. Therefore, it is unlikely any of the previously listed species will be adversely affected by the proposed project. This area is a pre-existing site, and R.E. Miller holds an open-cut mining contract from the IEMB to operate in this area.

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

The new equipment added as part of the current permit action will only demand small quantities of water, air, and energy for proper operating. Generally, the operations are seasonal, which result in smaller demands on the environmental resources.

I. Historical and Archaeological Sites

The Department previously contacted the Montana Historical Society, Historic Preservation Office to determine if there are any historical or archaeological sites located on the proposed premises. As reported by the Montana Historical Society, there is one previously recorded historic site in the area. The site 24BE1713 is the Union Pacific Railroad and is considered eligible for listing on the National Register of Historic Places. In addition to this site, there is one other possible historic site in the area. The Perkins Hains ditch may be a historic irrigation structure if it is over 50 years old. In the past, irrigation systems have been found eligible for listing on the National Register for their importance in the agricultural development of Montana. R.E. Miller currently holds an open-cut mining contract with the IEMB to operate at this location.

J. Cumulative and Secondary Impacts

The addition of a 30 kW Olympian diesel engine generator to the existing crushing/screening plant, addition of a 5x12 electric scalping screen as part of the wash plant, and replacement of a Deutz diesel engine driving a 1991 Finlay screen would cause a minor effect to both the physical environment and human environment. There is potential for other operations to locate at these sites. However, any operations will have to apply for and hold the appropriate permits from the Department prior to operation. These permits will address the environmental impacts associated with the operations at the proposed site. The new or modified emitting sources at the crusher operation when operating alone or in conjunction with any other equipment owned or operated by R.E. Miller at the same site, would be limited by MAQP #3040-03 to emissions of 250 tpy or less during any rolling 12 month time period.

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
1	Social Structures and Mores				X		yes
2	Cultural Uniqueness and Diversity				X		yes
3	Local and State Tax Base and Tax Revenue			X			yes
4	Agricultural or Industrial Production			X			yes
5	Human Health			X			yes
6	Access to and Quality of Recreational and Wilderness Activities			X			yes
7	Quantity and Distribution of Employment				X		yes
8	Distribution of Population				X		yes
9	Demands for Government Services			X			yes
10	Industrial and Commercial Activity			X			yes
	Locally Adopted Environmental Plans and Goals				X		yes
12	Cumulative and Secondary Impacts			X			yes

SUMMARY OF COMMENTS ON POTENTIAL IMPACTS: The following comments have been prepared by the Department.

POTENTIAL IMPACT ON PHYSICAL ENVIRONMENT

POTENTIAL IMPACT ON HUMAN ENVIRONMENT

A. Social Structures and Mores

The new equipment added as part of the current permit action would cause no disruption to native or traditional lifestyles or communities of any potential site or area of operation.

B. Cultural Uniqueness and Diversity

It would be unlikely that the new equipment added as part of the current permit action would have an adverse impact on the cultural uniqueness and diversity of any proposed area of operation.

C. Local and State Tax Base and Tax Revenue

The new equipment added as part of the current permit action would have little, if any, effect on local and state tax base and tax revenue. The facility would be a temporary source and, therefore, would not remain at any individual site for a substantial period of time.

D. Agricultural or Industrial Production

The new equipment added as part of the current permit action would be located in a previously disturbed industrial pit and would not displace any agricultural production. The new equipment added as part of the current permit action are considered small by industrial standards and would, therefore, have only a minor impact on local industrial production.

E. Human Health

MAQP #3040-03 incorporates conditions to ensure that the new equipment added as part of the current permit action would be operated in compliance with all applicable 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

The new equipment added as part of the current permit action would not affect any access to recreational and wilderness activities. The main recreational opportunities in the area are presented by the Beaverhead River. There are no access sites or recreational opportunities to the Beaverhead River from the R.E. Miller property. However, minor effects to the quality of recreational and wilderness activities may be created by the noise from the site. Any impacts from the site would be minor due to the small size of the equipment added as part of the current permit action.

G. Quantity and Distribution of Employment

Given the temporary nature of the operation, it would not be expected that the activities from the new equipment added as part of the current permit action would affect the quantity and distribution of employment in the area.

H. Distribution of Population

Given the temporary nature of the operation, it would not be expected that the activities from adding the new equipment added as part of the current permit action will disrupt the normal population distribution in the area.

I. Demands of Government Services

No increases would be seen in traffic on existing roads in the area due to the new equipment added as part of the current permit action. Government services would be required for acquiring the appropriate permits from government agencies. Demands for government services would be minimal.

J. Industrial and Commercial Activity

The new equipment added as part of the current permit action represents only a minor increase in the industrial activity in any given area. No additional industrial or commercial activity is expected as a result of the crusher operations.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans or goals.

L. Cumulative and Secondary Impacts

The addition of a 30 kW Olympian diesel engine generator, a 5x12 electric scalping screen, and a 57.5 bhp Deutz diesel engine to the existing crusher operations would cause a minor effect to both the physical environment and human environment. There would be potential for other operations to locate at these sites. However, any operations would have to apply for and hold the appropriate permits from the Department prior to operation. These permits would address the environmental impacts associated with the operations at the proposed site. The crusher operations are limited by MAQP #3040-03 to total particulate emissions of 250 tpy or less from non-fugitive crusher operations and any other additional equipment used at the site.

The proposed site location, or open cut pit, has been previously permitted through the Industrial and Energy Minerals Bureau. Therefore, further information and an additional site specific EA can be found in the Mined Land Reclamation Contract for the site.

Recommendation: No EIS is required.

If an EIS is not required, explain why the EA is an appropriate level of analysis: Since this plant is a portable source, it is unlikely there will be any significant impact. MAQP #3040-03 includes conditions and limitations, which, if properly applied, will safeguard any potential environmental threat created by the proposed crushing operation.

Other groups or agencies contacted or which may have overlapping jurisdiction: Department of Environmental Quality, State Historic Preservation Office (Montana Historical Society), and the Industrial and Energy Minerals Bureau.

Individuals or groups contributing to this EA: Department of Environmental Quality,

EA prepared by: Deanne Fischer

Date: 12/22/2011