



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

PRELIMINARY DETERMINATION
ON PERMIT APPLICATION

Date of Mailing: May 1, 2012

Name of Applicant: Riverside Contracting, Inc.

Source: Portable Asphalt 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 Montana Air Quality Permit Application Number 4630-02.

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 May 16, 2012. 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

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

VW:DF
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: Riverside Contracting, Inc.

Montana Air Quality Permit number: 4630-02

Preliminary Determination Issued: 05/01/2012

Department Decision Issued:

Permit Final:

1. *Legal Description of Site:* Riverside Contracting would operate a portable drum mix asphalt plant, which with a home pit located in Section 27, Township 1 North, Range 27 East, in Yellowstone County, Montana. However, MAQP #4630-02 would apply while operating at any location in Montana, except those areas having a Department-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometer (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas.

Addendum 3 would apply to the Riverside Contracting facility while operating at any location in or within 10 km of a certain PM₁₀ nonattainment area during the summer months (April 1 – September 30) and at sites approved by the Department during the winter months (October 1 – March 31).

2. *Description of Project:* The current permit action would limit the hours of operation of the Riverside Contracting asphalt plant to 2,000 hours/year (hr/yr) to remain a minor source of emissions with respect to Title V. Addendum 3 of MAQP #4630-02 would limit hours of operation in PM₁₀ nonattainment areas to 4.5 hr/day during the winter months (October 1 – March 31) to keep PM₁₀ emissions below the 82 lb/day PM₁₀ modeling threshold.
3. *Objectives of Project:* To continue to produce asphalt product.
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 Riverside Contracting 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 #4630-02.
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 surrounding areas provide habitat for deer, elk, antelope and various upland birds. Impacts on terrestrials and aquatic life and habitats from this permit action would be minor because the asphalt plant would continue to be considered a minor source of emissions, would have intermittent and seasonal operations and the area in question is an existing gravel pit permitted through the Industrial and Energy Minerals Bureau (IEMB) (Opencut permit #2126). Furthermore, the air emissions would have only minor effects on terrestrial and aquatic life because facility emissions would have good pollutant dispersion in the area of operations (see Section 7.F). Therefore, only minor and temporary effects to terrestrial and aquatic life and habitat would be expected from the change in hours of operation included in the current permit action.

B. Water Quality, Quantity and Distribution

According to information provided previously by the applicant, water would be required for dust suppression on the surrounding roadways and the area of operation. Application of water spray for dust suppression typically results in the water being evaporated to the atmosphere shortly after its application. Water's dust suppressing capacity is very temporary because of evaporation. Heavy applications of water can create soft mud or penetrate a road to the sub-base which can cause major road failure; therefore, heavy applications are typically not utilized. Consequently, several light applications are preferable to one heavy application. Pollutant deposition and water use would cause minor impacts to water resources because the facility is relatively small with seasonal and intermittent operations. The benefits of using water to control emissions outweigh the potential minor impacts to the surroundings. Only minor and temporary effects to water quality, quantity, and distribution would be expected from the proposed project due to increased allowable hours of operation.

C. Geology and Soil Quality, Stability and Moisture

According to information provided previously by the applicant, the undisturbed areas average 12 inches of topsoil and 24 inches of overburden. Soils have been previously stripped and stockpiled for use during reclamation. The proposed project would have minor impacts on geology, soil quality, stability, and moisture of soils because no changes would be made to the type of facility operation or size of the plant. Minor impacts from deposition of air pollutants on soils would result (as described in Section 7.F of this EA) and minor amounts of water would be used for pollution control and only as necessary in controlling particulate emissions. Thus, minimal water runoff would occur. Since a small amount of pollution would be generated and corresponding emissions would be widely dispersed before settling upon vegetation and surrounding soils (as described in Section 7.D of this EA), impacts would be minor. Therefore, only minor and temporary effects to geology and soil quality, stability, and moisture from air pollutant emissions from equipment would be expected from the proposed project.

D. Vegetation Cover, Quantity, and Quality

The proposed project would result in minor impacts on the vegetative cover, quantity, and quality in the immediate area because no changes would be made to the type of facility operation or size of the plant. According to information provided previously by the applicant, the site consists of native grasses consisting of crested wheat and western wheat. The facility would be considered a minor source of emissions by industrial standards and would typically operate in areas previously designated and used for this type of operation. The overall footprint of the facility would be small, so the affect to quantity and quality of vegetative cover in the area would be minimal. There are no known plant species of concern within the project area. In addition, water use at the facility, soil disturbance from water application, and the associated runoff would also be minimal. Overall, impacts to vegetation from the proposed project would be minor.

E. Aesthetics

The Department determined that impacts to the aesthetics of the area caused by the increased allowable hours of operation from the current permit action from this action would be minor. MAQP #4630-02 would include conditions to control emissions, including visible emissions, from the operation. The portable asphalt plant would be considered a minor industrial source.

The facility would be initially located in an existing gravel pit that is on private land. The surrounding land is forest and grassland. The site is permitted for 27.3 acres of disturbance. The operation of the proposed equipment would be visible and audible. Noise levels would be associated with general open-cut mining, i.e. backup alarms, gravel crushing and plant mix production. There are some residences in the area and an interstate located to the east. However, any disturbance to the aesthetic value of the area from the current permit action would be minor because of its location within an existing pre-disturbed industrial site.

F. Air Quality

The Department determined that potential air quality impacts caused by the increased allowable hours of operation from the current permit action would be minor, because the facility would still be relatively small and comparable in nature to other similar sources permitted by the Department. MAQP #4630-02 would include conditions limiting the facility's opacity and particulate matter emissions. The permit would also limit total emissions from the portable asphalt plant and any additional equipment operated at the site to 250 tons per year or less of any individual pollutant, excluding fugitive emissions.

Further, the Department determined that the portable asphalt plant would be a minor source of emissions as defined under the Title V Operating Permit Program because the source's PTE was below the major source threshold level of 100 TPY for any regulated pollutant due to federally enforceable permit conditions which limit the total annual hours of operation. Pollutant deposition from the proposed project would be minimal because the emissions would be well controlled, widely dispersed (from factors such as wind speed and wind direction), and would have minimal deposition on the surrounding area. Therefore, air quality impacts from the project in this area would be minor. The applicant has indicated that the source would operate on an intermittent and seasonal basis; therefore, actual emissions may be lower than accounted for in the PTE calculations.

G. Unique Endangered, Fragile, or Limited Environmental Resources

In an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources in the proposed initial area of operation (Section 27, Township 1 North, Range 27 East in Yellowstone County, Montana), the Department previously contacted the Montana Natural Heritage Program (MNHP). Search results concluded there are two known vertebrate animal species of concern in the area. The area, in this case, was defined by the section, township, and range of the proposed site, with an additional 1-mile buffer. The species of concern are the Greater Short-Horned Lizard and the Common Sagebrush Lizard.

The proposed facility location is on an existing industrial site that is already disturbed from previous gravel pit activities; therefore, there are no anticipated impacts from the current permit action to any unique endangered, fragile, or limited environmental resources.

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

The portable asphalt plant would provide its own energy for operation from the portable diesel engines/generators. Water would be required for control of fugitive particulate matter emissions in the plant area and surrounding roads. Impacts to air resources caused by the increased allowable hours of operation from the current permit action would be minimal because the source would still be considered a minor industrial source of emissions, with intermittent and seasonal operations. Because air pollutants generated by the plant would be widely dispersed (see Section 8.F of this EA), energy requirements would be provided by portable generators, and water use would be minimal, any impacts to water, air, and energy resources from the proposed project would be minor.

I. Historical and Archaeological Sites

The Department previously contacted the Montana Historical Society - State Historical Preservation Office (SHPO) in an effort to identify any historical and archaeological sites that may be present in the proposed area of operation. Search results concluded that there have been no previously recorded historical or archaeological resources of concern within the area proposed for initial operation. According to correspondence from the SHPO, there would be a low likelihood of adverse disturbance to any known archaeological or historic site given previous industrial disturbance to the area. Because the current permit action would not change the previously proposed areas of operation, minor impacts upon historical or archaeological sites would be expected. However, if cultural materials are discovered during this project the Montana Historical Society should be contacted.

J. Cumulative and Secondary Impacts

The current permit action would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because asphalt plant would still be located at an existing gravel pit and would be limited in the amount of air emissions generated.

Emissions and noise generated from the equipment would, at most, result in only minor impacts to the area of operation because it would be seasonal and temporary in nature. Additionally, this facility, in combination with other emissions from equipment operations would not be permitted to exceed 250 tons per year of non-fugitive emissions of an individual pollutant.

Overall, cumulative and secondary impacts to the physical and biological aspects of the human environment caused by the current permit action 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 proposed permit action would cause no disruption to the social structures and mores of the area because the source would still be considered a minor industrial source of emissions and would have temporary and intermittent operations. The proposed initial location is within an existing industrial site.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of this area would not be impacted by the current permit action because the facility would still be a portable source, with seasonal and intermittent operations. The predominant use of this area would not change as a result of the proposed operation. Therefore, the cultural uniqueness and diversity of the area would not be impacted by the proposed project.

C. Local and State Tax Base and Tax Revenue

Because the facility would still be portable and temporary, there would be no change in the number of employees, and it is unlikely that people would move to the area as a result of this project, the current permit action would cause no impacts to local tax base and revenue.

D. Agricultural or Industrial Production

The current permit action would have a minor impact on local industrial production since the facility would increase local asphalt production and air emissions slightly. The facility would still be located in an existing gravel pit on private land. Because minimal deposition of air pollutants would occur on the surrounding land (as described above in Section 7.F), only minor effects on the surrounding vegetation or agricultural production would occur. In addition, the facility operations would still 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 above. The surrounding area is forest and grassland. The pollutant emissions would still be expected to be well controlled, widely dispersed (from factors such as wind speed and wind direction), and would have minimal deposition on the surrounding area.

E. Human Health

Conditions would be incorporated into MAQP #4630-02 to ensure that the asphalt plant would still 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 project would still be minimized by the use of a fabric filter pollution control device for the drum dryer and a jet vent baghouse for the mineral filler storage emissions, water spray for fugitive emissions, and other process limits that would be required by MAQP #4630-02. Furthermore, the applicant has stated that they plan to operate on an intermittent and seasonal basis and therefore only minor impacts would be expected on human health from the proposed facility.

F. Access to and Quality of Recreational and Wilderness Activities

Access to recreational opportunities would not be limited or modified by the current permit action. The equipment would still be located within a preexisting industrial site that has been established for similar use. All recreational opportunities, if available in the area, would still be accessible. Noise from the facility would be minimal to surroundings because of the facility size, expected hours of operation, and rural location. The applicant has stated that the facility would operate on a seasonal and intermittent basis. The pit is on private land and the Department has determined that the project would be a minor industrial source of emissions. There would be no changes in the quality of recreational and wilderness activities created by the current permit action.

G. Quantity and Distribution of Employment

H. Distribution of Population

The proposed project would clarify the size of the engines/generators and modify the limits of hourly operation of the plant. No employees would be hired at the facility as a result of the proposed project, therefore, there would be no effects on the quantity and distribution of employment or distribution of population with the current permit action.

I. Demands for Government Services

Permits and associated compliance activities would be required for the source. The Department would expect a minor increase in demands for government services.

J. Industrial and Commercial Activity

MAQP #4630-02 would permit a small increase in allowable asphalt production, which may or may not be realized. Minor, if any, impacts to industrial and commercial activity would be expected as a result current permit action.

K. Locally Adopted Environmental Plans and Goals

The Department is unaware of any locally adopted environmental plans and goals in the proposed initial project location. MAQP #4630-02 would contain conditions and limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. Because the facility would still have intermittent and seasonal operations, any impacts from the facility would be minor and short-lived.

L. Cumulative and Secondary Impacts

The Department found minor impacts to the individual economic and social considerations above. Cumulative and secondary impacts would be expected to be minor.

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

The current permitting action would clarify the size of the engines/generators and modify the limits of hourly operation of the Riverside asphalt plant. MAQP #4630-02 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.

Individuals or groups contributing to this EA: Department of Environmental Quality – Air Resources Management Bureau,

EA prepared by: Deanne Fischer
Date: April 24, 2012