



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

May 29, 2012

Charles Olson
BJ Rees's Enterprise
PO Box 358
Coalville, UT 84017

Dear Mr. Olson:

The Department of Environmental Quality (Department) has made its decision on the Montana Air Quality Permit application for BJ Rees's Enterprise's portable crushing and screening operation. The application was given permit number 4743-00. The Department's decision may be appealed to the Board of Environmental Review (Board). A request for hearing must be filed by June 13, 2012. This permit shall become final on June 14, 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

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: BJ Rees's Enterprise
 PO Box 358
 Coalville, Utah 84017

Montana Air Quality Permit number: 4743-00

Preliminary Determination Issued: 4/25/2012

Department Decision Issued: 5/28/2012

Permit Final:

1. *Legal Description of Site:* Section 1, Township 15 North, Range 53 East, in Dawson County, Montana.
2. *Description of Project:* Portable crushing and screening operation with an associated wash plant.
3. *Objectives of Project:* To provide crushed, screened, and washed mineral products for various uses.
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 BJ Rees's Enterprise (Rees's) 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 Montana Air Quality Permit (MAQP) #4743-00.
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

There would be a possibility that terrestrials would use the same area as the project location. Based on the conditions and limitations which would be placed in MAQP #4743-00, this operation would be a relatively minor source of emissions by industrial standards. Further, the operation would be expected to operate on an intermittent and seasonal manner. Therefore, only minor effects would be expected to terrestrial or aquatic life and habitats.

B. Water Quality, Quantity and Distribution

Water usage would be required for operations of the wash plant and for dust suppression from the process and unpaved haul roads and plant operations area. In reviewing the information submitted to the Department in application for MAQP #4743-00, Rees's plans include discharge of process water from the wash plant into a settling pond after which the treated water is recycled back into the process. Only minor impacts to water quality, quantity, or distribution would be expected.

C. Geology and Soil Quality, Stability and Moisture

The crushing and screening operation would be expected to have only minor impacts on soils in any proposed site location because the facility would use only relatively small amounts of water by industrial standards, partially for purposes of pollution control, and would be expected to have seasonal and intermittent operations. Crushing, screening, and wash plant operations would not be expected to have any more than minor affects upon geology and soil quality, stability, and moisture at any proposed operational site.

D. Vegetation Cover, Quantity, and Quality

Deposition of pollutants may affect vegetation cover, quantity, and quality in the surrounding area. MAQP #4743-00 would contain limitations and conditions to control the allowable amount of those emissions. Operations complying with the conditions and limitations which would be placed in MAQP #4743-00 would minimize emissions and therefore minimize impacts. The Department would expect no more than minor impacts to vegetation cover, quantity, and quality as a result of operation of the plant in accord to permit conditions.

E. Aesthetics

Minor impacts would be expected as the equipment associated with this plant would be visible and would create noise.

F. Air Quality

MAQP #4743-00 would include conditions and limitation which limit the amount of allowable emissions from the project. Dust suppression from process equipment and on surrounding unpaved plant area and haul roads would be required as necessary. Operational limits would be placed in MAQP #4743-00 to keep potential emissions to relatively minor levels. The Department determined that compliance with all applicable permit conditions would be expected to result in only minor effects to the local air quality.

G. Unique Endangered, Fragile, or Limited Environmental Resources

In an effort to identify any unique endangered, fragile, or limited environmental resources in the proposed initial location, the Department requested a file search of the Natural Resource Information System of the Montana Natural Heritage Program. The file search results included two species occurrence reports for two species of special concern, the Ferruginous Hawk and the Burrowing Owl.

The Ferruginous Hawk has a state species status of S3B. S3 signifies that 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. B signifies that the species is at risk during breeding season, but common in the winter.

The Ferruginous Hawk is a large broad winged hawk whose preferred habitat includes the arid and semiarid grassland regions of North America. During the breeding season, the preference is for grasslands, sage, and other arid shrub country. The Ferruginous Hawk is one of the most adaptable nesters of the raptors.

The Burrowing Owl also has a state species status of S3B. The Burrowing Owl is a small but long legged owl found throughout open landscapes of North and South America. The nesting season begins in late March or April. Burrowing Owls are usually monogamous, but occasionally a male will have two mates. Their typical breeding habitat is open grassland or prairie, but they can occasionally adapt to other open areas.

The Burrowing Owl is endangered in Canada, threatened in Mexico, and a species of special concern in most of the western states.

As discussed in Section A, D, and F above, impacts to Terrestrials, Vegetation Cover, Quantity, and Quality, and Air Quality would be expected to be minor. Therefore, the Department would expect minor impacts to these species.

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

This source would be considered an intermittent and portable source. Demands would be placed on water, for the wash plant and emissions control, on air due to the emissions associated with this plant, and energy via the diesel generator engines. The overall demands on water, air, and energy would be expected to be minor.

I. Historical and Archaeological Sites

The Department contacted the Montana Historical Society for a cultural resource file search for the initial project location. According to these records, there have been no previously recorded sites within the designated search locale. The Department would expect minor, if any, impacts to any historical or archaeological sites associated with this project.

J. Cumulative and Secondary Impacts

The Department determined minor impacts expected to the individual physical and biological considerations above. Cumulatively and secondarily, the Department would categorize expected impacts as 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			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

The Department would expect minimal impacts or changes to the accepted traditional customs and usages of the area, and the patterned social arrangements which form the society as a whole as a result of this project alone. The project would be intermittent, likely seasonal, and would be permitted as a portable source. Employment of up to 10 employees would be expected.

B. Cultural Uniqueness and Diversity

The Department would expect minimal effects to cultural uniqueness and diversity as the source would be expected to operate on an intermittent and likely seasonal basis. Employment would not be expected to exceed 10 employees. Further, the project would be permitted as a portable source.

C. Local and State Tax Base and Tax Revenue

The source would be permitted as a portable source, with intermittent and likely seasonal operations. Operations would be expected to require 8 to 10 employees. No more than minor impacts to local and state tax base and revenue would be expected.

D. Agricultural or Industrial Production

As discussed in Section 7.D above, impacts to vegetation cover, quantity, and quality would be expected to be minor. Installation and operation of the crushing and screening operation itself would result in minor impacts to agricultural operations. A slight increase in industrial activity would be expected as a result of increased traffic in the area. Impacts to agricultural and industrial production would be expected to be minor.

E. Human Health

MAQP #4743-00 would contain limitations and conditions derived from rules designed to protect public health. The Department would expect minor impacts to human health.

F. Access to and Quality of Recreational and Wilderness Activities

The Department is not aware of any direct impact to access of recreational and wilderness activities. As discussed in Section 7 E, impacts from noise and the visual impact of the equipment would be expected to be minor. The Department would expect minor impacts to the quality of recreational and wilderness activities.

G. Quantity and Distribution of Employment

The operation of this plant is expected to require up to 10 employees. The operation would be expected to operate on an intermittent, seasonal, and likely temporary basis. The Department would not expect any more than minor impacts to quantity and distribution of employment.

H. Distribution of Population

The operation of this plant is expected to require up to 10 employees. The operation would be expected to operate on an intermittent, seasonal, and likely temporary basis. No more than minor impacts to distribution of employment would be expected.

I. Demands for Government Services

Demands for government services as a result of issuance of MAQP #4743-00 would include review of related reporting requirements and future permitting needs. Minor increases would be expected in traffic on existing roadways in the area. An overall minor demand for Government services would be expected.

J. Industrial and Commercial Activity

The Department would expect only a minor increase in the industrial activity in the given area because of the relatively small size of the operations and the portable and temporary nature of the facility.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans or goals that would be affected by the proposed project. MAQP #4743-00 contains operational restrictions for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. Because the proposed crushing/screening facility would be a portable source and would likely have intermittent and seasonal operations, any impacts from the project would be expected to be minor.

L. Cumulative and Secondary Impacts

The Department would expect minor impacts to the individual economic and social considerations above. Cumulatively and secondarily, impacts would be expected to be minor.

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

The current permitting action is for the construction and operation of a portable crushing and screening operation. MAQP #4743-00 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: Shawn Juers
Date:4/18/2012