

## AIR QUALITY PERMIT

Issued To: Bullock Contracting LLC  
P.O. Box 364  
Boulder, MT 59632

Permit #3223-01  
Complete Application Submitted: 02/10/06  
Preliminary Determination Issued: 03/09/06  
Department Decision Issued: 03/27/06  
Permit Final: 04/12/06  
AFS #777-3223

An air quality permit, with conditions, is hereby granted to Bullock Contracting LLC (Bullock), pursuant to Sections 75-2-204 and 211, Montana Code Annotated (MCA), as amended, and the Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

### Section I: Permitted Facility

#### A. Plant Location

Permit #3223-01 applies while operating at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas.

#### B. Current Permit Action

On February 10, 2006, Bullock submitted a complete permit application for the modification of the portable crushing/screening facility. Bullock requested to increase the size of the generator at the facility as well as to permit additional equipment to be operated at the facility. Bullock's production/screening limits exceed the hourly limit for the diesel generators to allow flexibility for the facility to operate at a higher capacity in an area where land-line power is available.

### Section II: Limitations and Conditions

#### A. Operational Limitations and Conditions

1. Bullock shall not cause or authorize to be discharged into the atmosphere, from any Standards of Performance for New Stationary Source (NSPS)-affected crusher, any visible emissions that exhibit an opacity of 15% or greater averaged over 6 consecutive minutes (ARM 17.8.340 and 40 Code of Federal Regulations (CFR) 60, Subpart OOO).
2. Bullock shall not cause or authorize to be discharged into the atmosphere from any other NSPS-affected equipment, such as screens or conveyor transfers, any visible emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart OOO).
3. Bullock shall not cause or authorize to be discharged into the atmosphere, from any non-NSPS-affected equipment, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.308 and ARM 17.8.752).
4. Water and spray bars shall be available on site at all times and operated, as

necessary, to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.752).

5. Bullock shall not cause or authorize to be discharged into the atmosphere from any street, road, or parking lot, any visible fugitive emissions that exhibit an opacity of 20% or greater (ARM 17.8.308 and ARM 17.8.752).
6. Bullock shall treat all unpaved portions of the haul roads, access roads, parking lots, or general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the reasonable precautions limitation in Section II.A.5 (ARM 17.8.749).
7. Bullock shall operate no more than five crushers with a total maximum capacity of 2000 TPH (ARM 17.8.749).
8. Total crushing production shall be limited to 8,000,000 tons during any rolling 12-month time period (ARM 17.8.749).
9. Bullock shall operate no more than three screens with a total maximum capacity of 1200 TPH (ARM 17.8.749).
10. Total screening production shall be limited to 8,000,000 tons during any rolling 12-month time period (ARM 17.8.749).
11. Bullock shall not operate more than two diesel engines/generators at any given time and the maximum rated design capacity of each engine/generator shall not exceed 1,000 kilowatts (kW) (ARM 17.8.749).
12. Operation of the diesel generators shall not exceed 2000 hours during any rolling 12-month time period (ARM 17.8.1204).
13. If the permitted equipment is used in conjunction with any other equipment owned or operated by Bullock, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons of emissions during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
14. Bullock shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO for the crushing/screening operation and associated equipment (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but not later than 180 days after initial start up, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures as specified in 40 CFR Part 60.675 must be performed on any NSPS affected equipment, to demonstrate compliance with the emission limitations contained in Sections II.A.1 and II.A.2 (ARM 17.8.340, 40 CFR Part 60, General Provisions and Subpart OOO).
2. All compliance source tests shall be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another location, an Intent to Transfer form must be sent to the Department. In addition, a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.734).
2. Bullock shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. All records compiled in accordance with this permit shall be maintained by Bullock as a permanent business record for at least 5 years following the date of the measurement, shall be submitted to the Department upon request, and shall be available at the plant site for inspection by the Department (ARM 17.8.749).
3. Bullock shall supply the Department with annual production information for all emission points, as required, by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the most recent emission inventory report and sources identified in Section I.A of the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in units, as required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or verify compliance with permit limitations (ARM 17.8.505).

4. Bullock shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.745, that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. The notice must be submitted to the Department, in writing, 10 days prior to start-up or use of the proposed de minimis change or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change and must include the information requested in ARM 17.8.745(1)(d) (ARM 17.8.745).
5. Bullock shall document, by month, the crushing production from the facility. By the 25<sup>th</sup> day of each month, Bullock shall calculate the crushing production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Bullock shall document, by month, the screening production from the facility. By the 25<sup>th</sup> day of each month, Bullock shall calculate the screening production from the facility for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
7. Bullock shall document, by month, the hours of operation of the diesel engines/generators. By the 25<sup>th</sup> day of each month, Bullock shall total the hours

of operation of the diesel engine/generator during the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.12. The information for each of the previous months shall be submitted along with the annual emissions inventory (ARM 17.8.749).

8. Bullock shall annually certify that its emissions are less than those that would require the facility to obtain an air quality operating permit as required by ARM 17.8.1204(30(b)). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted along with the annual emissions inventory information (ARM 17.8.749 and ARM 17.8.1204).

Section III: General Conditions

- A. Inspection - Bullock shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.
- B. Waiver - The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if the recipient fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Bullock of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.740, *et seq.* (ARM 17.8.756).
- D. Enforcement - Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401 *et seq.*, MCA.
- E. Appeals - Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department's decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. The issuance of a stay on a permit by the Board postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, the Department's decision on the application is final 16 days after the Department's decision is made.
- F. Permit Inspection - As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.
- G. Construction Commencement - Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked (ARM 17.8.762).
- H. Permit Fees - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay by the permittee of an annual operation fee by Bullock may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the

Board.

- I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.
- J. Bullock shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas having a Department approved permitting program.

PERMIT ANALYSIS  
Bullock Contracting LLC  
Permit Number 3223-01

I. Introduction/Process Description

A. Permitted Equipment

Bullock Contracting LLC (Bullock) operates a portable crushing/screening facility consisting of up to five crushers (up to 2000 tons per hour (TPH) total maximum capacity); up to two 3-deck screens (up to 1200 TPH total maximum capacity); up to two diesel generators (up to 1000 kilowatts (kW) each); and associated equipment.

B. Source Description

Bullock proposes to use this crushing/screening plant and associated equipment to crush and sort sand and gravel materials for use in various construction operations. For a typical operational setup, materials are loaded into a hopper that feeds a conveyor to a portable crusher with an attached 3-deck screen. The materials are separated, with the smaller materials conveyed to a jaw crusher and the larger materials sent to an impact and cone crusher and recycled back to the primary screen. Once the materials are properly sized, the aggregate is stockpiled for sale and use.

C. Permit History

On December 28, 2002, the Department of Environmental Quality (Department) issued Montana Air Quality Permit (MAQP) #**3223-00** to Bullock for the operation of a crushing screening plant and associated equipment.

D. Current Permit Action

On February 10, 2006, Bullock submitted a complete permit application for the modification of the portable crushing/screening facility. Bullock requested to increase the size of the generator at the facility as well as to permit additional equipment to be operated at the facility. Bullock's production/screening limits exceed the hourly limit for the diesel generators to allow flexibility for the facility to operate in an area where land-line power is available. **Permit #3223-01** replaces Permit #3223-00.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available control Technology (BACT) determinations, air quality impacts and environmental assessments, is included in the initial analysis associated with each change to the permit.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department. Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1, General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule is a list of applicable definitions used in

this subchapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment, including instruments and sensing devices, and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.
3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

Bullock shall comply with all requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than four hours.
5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means that without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner that a public nuisance is created.

B. ARM 17.8, Subchapter 2, Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for PM<sub>10</sub>

Bullock must maintain compliance with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3, Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.
2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, Bullock shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of

airborne particulate matter.

3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.
4. ARM 17.8.310 Particulate Matter, Industrial Processes. This rule requires that no person shall cause, allow, or permit to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.
5. ARM 17.8.340 Standards of Performance for New Stationary Sources. The owner and operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, New Source Performance Standards (NSPS), shall comply with the standards and provisions of 40 CFR Part 60. In order for a crushing/screening plant to be subject to NSPS requirements, two specific criteria must be met. First, the crushing/screening plant must meet the definition of an affected facility and, second, the equipment in question must have been constructed, reconstructed, or modified after August 31, 1983. Because the crushing/screening capacity is greater than 150 TPH and the plant was manufactured after August 31, 1983, the equipment meets the definition of an affected facility and, subsequently, the facility is subject to NSPS requirements (40 CFR Part 60, Subpart OOO, and Subpart A).

D. ARM 17.8, Subchapter 5, Air Quality Permit Application, Operation, and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. Bullock submitted the appropriate permit application fee, as required for the current permit action.
2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department. This operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.

E. ARM 17.8, Subchapter 7, Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.743 Montana Air Quality Permit – When Required. This rule requires a person to obtain an air quality permit or permit alteration to construct, alter, or use any asphalt plant, crusher or screen that has the Potential to Emit (PTE)

greater than 15 tons per year of any pollutant. Bullock has a PTE greater than 15 tons per year of particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), and carbon monoxide (CO); therefore, an air quality permit is required.

3. ARM 17.8.744 Montana Air Quality Permits – General Exclusions. This rule identifies the activities that are not subject to the Montana Air Quality Permit Program.
4. ARM 17.8.745 Montana Air Quality Permit – Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that are not subject to the Montana Air Quality Permit Program.
5. ARM 17.8.748 New or Modified Emitting Units – Permit Application Requirements. This rule requires that a permit application be submitted prior to the installation, alteration or use of a source. Bullock submitted the required permit application for the current permit action. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. Bullock submitted an affidavit of publication of public notice for the January 11, 2006, issue of the *Boulder Monitor*, a newspaper of general circulation in the city of Boulder in Jefferson County, as proof of compliance with the public notice requirements.
6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.
7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section IV of this permit analysis.
8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.
9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in this permit shall be construed as relieving Bullock of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.*
10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions for those permit applications that do not require the preparation of an environmental impact statement.
11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition

providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.

12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of Bullock, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase in emissions because of the changed conditions of operation. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, & 10.
14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an air quality permit may be transferred from one location to another if the Department receives a complete notice of Intent to Transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.

F. ARM 17.8, Subchapter 8, Prevention of Significant Deterioration of Air Quality, including, but not limited to:

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major Modifications-- Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the Federal Clean Air Act (FCAA) that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source because it is not a listed source and does not have the potential to emit more than 250 tons per year of any air pollutant (excluding fugitive emissions).

G. ARM 17.8, Subchapter 12 - Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is

defined as any stationary source having:

- a. PTE > 100 tons/year of any pollutant.
- b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule.
- c. PTE > 70 tons/year of PM<sub>10</sub> in a serious PM<sub>10</sub> nonattainment area.

2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #3223-01 for Bullock the following conclusions were made:

- a. The facility's PTE is less than 100 tons/year for any pollutant.
- b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 ton/year of all HAPs.
- c. This source is not located in a serious PM<sub>10</sub> nonattainment area.
- d. This facility is not subject to any current NESHAP standards.
- e. This facility is currently subject to NSPS standards (40 CFR 60, Subpart A, General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants).
- f. This source is not a Title IV affected source nor a solid waste combustion unit.
- g. This source is not an EPA designated Title V source.

Bullock's crushing/screening facility is not subject to Title V Operating Permit requirements because federally enforceable limitations have been established that limit the source's PTE below the major source threshold. Based on these facts, the Department determined that Bullock will be a minor source of emissions as defined under the Title V Operating Permit Program. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, Bullock will be required to obtain a Title V Operating Permit.

- h. ARM 17.8.1204(3). The Department may exempt a source from the requirement to obtain an air quality operating permit by establishing federally enforceable limitations that limit that source's potential to emit.
  - i. In applying for an exemption under this rule, the owner or operator of the source shall certify to the Department that the source's potential to emit does not require the source to obtain an air quality operating permit.
  - ii. Any source that obtains a federally enforceable limit on potential to emit shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit.

The Department determined that the annual reporting requirements contained in the permit are sufficient to satisfy this requirement.

3. ARM 17.8.1207 Certification of Truth, Accuracy, and Completeness. The compliance certification submittal required by ARM 17.8.1204(3) shall contain a certification of truth, accuracy, and completeness by a responsible official. This certification and information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

### III. Emission Inventory

Source	Tons/Year					
	PM	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
Up to five Crushers (up to 2000 TPH total maximum capacity)	5.00	2.40				
Up to three 3-Deck Screen (up to 1200 TPH total maximum capacity)	56.70	27.00				
Up to two Diesel Generator (up to 1000 kW each)	2.23	2.23	78.20	2.28	17.70	26.04
Material Transfer	4.64	2.24				
Pile Forming	1.64	0.78				
Haul Roads	2.74	1.23				
Bulk Loading	0.27	0.13				
<b>Total</b>	<b>73.22</b>	<b>36.01</b>	<b>78.20</b>	<b>2.28</b>	<b>17.70</b>	<b>26.04</b>

- A complete emission inventory for Permit #3223-01 is on file with the Department.

### IV. BACT Analysis

A BACT determination is required for each new or altered source. Bullock shall install on the new or altered source the maximum air pollution control capability that is technologically practicable and economically feasible, except that BACT shall be utilized.

All visible emissions from any affected equipment, used in conjunction with this facility, and manufactured after August 31, 1983, are limited to an opacity of 10%. Bullock must also take reasonable precautions to limit the fugitive emissions of airborne particulate matter from haul roads, access roads, parking areas, and the general plant property. Bullock shall use water spray bars and/or chemical dust suppressant, as necessary, to maintain compliance with the opacity and reasonable precaution limitations. The Department determined that using water spray bars and/or chemical dust suppressant to maintain compliance with the opacity requirements and reasonable precaution limitations constitutes BACT for these sources.

Based upon the amount of NO<sub>x</sub>, VOC, CO, and SO<sub>x</sub> pollutants emitted, it is economically infeasible to require pollution controls on the diesel engines. Therefore, the Department determined that proper operation and maintenance with no additional controls would constitute BACT for the diesel engines. The control options selected have controls and control costs similar to other recently permitted similar sources and are capable of achieving the appropriate emission standards.

### V. Existing Air Quality

Permit #3223-01 is issued for the operation of a portable crushing/screening plant to be originally located in Section 31, Township 6 North, Range 4 West, in Jefferson County, Montana. This proposed site is not designated as a nonattainment area. Therefore, Permit #3223-01 will cover

the operations at this site and no addendum is required.

VI. Ambient Air Quality Impact Analysis

Permit #3223-01 is issued to Bullock for the operation of a portable crushing/screening facility to be located at various locations throughout Montana. Permit #3223-01 will cover Bullock while operating at any location within Montana - excluding those counties that have a Department approved permitting program and locations in or within 10 km of a PM<sub>10</sub> nonattainment area (where a permit addendum is required in order to operate). In the view of the Department, the amount of controlled emissions generated by this project will not cause concentrations of pollutants in the ambient air that exceed the set standard. In addition, this source is portable and any air quality impacts will be minimal.

VII. Taking or Damaging Implication Analysis

As required by 2-10-101 through 105, MCA, the Department conducted a private property taking and damaging assessment and determined there are no taking or damaging implications.

VIII. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

DEPARTMENT OF ENVIRONMENTAL QUALITY  
Permitting and Compliance Division  
Air Resources Management Bureau  
1520 East Sixth Avenue  
P.O. Box 200901  
Helena, Montana 59620-0901  
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**FINAL ENVIRONMENTAL ASSESSMENT (EA)**

*Issued For:* Bullock Contracting LLC  
P.O. Box 364  
Boulder, MT 59632

*Permit Number:* #3223-01

*Preliminary Determination Issued:* 03/09/06

*Department Decision Issued:* 03/27/06

*Permit Final:* 04/12/06

1. *Legal Description of Site:* Bullock submitted an application to operate a portable crushing/screening plant in Section 31, Township 6 North, Range 4 West, in Jefferson County, Montana. In addition, Permit #3223-01 would apply while operating at any location in the Montana, except within those areas having a Department approved permitting program or those areas in or within 10 km of certain PM<sub>10</sub> nonattainment areas.
2. *Description of Project:* The permit application requested an increase in the size of diesel generator, and the addition of equipment at the facility. Bullock would operate the portable crushing/screening plant that would consist of up to 5 portable crushers, up to 3 screens, up to 2 diesel generators and associated equipment. The process description would be discussed in the permit analysis Section I.B. of Permit #3223-01.
3. *Objectives of Project:* Bullock desires to increase business and revenue for the company. This objective could be met through operating the crushing/screening facility, to generate aggregate for sale and use. Bullock would be allowed to operate under this permit at various locations throughout Montana, excluding those areas that have a Department approved permitting program and those areas that require a permit addendum to operate (specifically, PM<sub>10</sub> nonattainment areas).
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 Bullock 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 listing of the enforceable permit conditions and a permit analysis, including a Best Available Control Technology analysis, would be contained in Permit #3223-01.
6. *Regulatory Effects on Private Property Rights:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined 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 Resource			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/screening operations. The crushing/screening operations would be small and temporary, so only minor effects to terrestrial life would be expected as a result of equipment operations or from pollutant deposition. Impacts on aquatic life could result from water usage, water runoff, and pollution deposition, but would be minor as the facility is a small and temporary source. The small amount of air emissions generated would correspond to an equally small amount of deposition.

B. Water Quality, Quantity, and Distribution

Water would be used for dust suppression on the surrounding roadways and areas of operation, in addition to being used for pollution control for equipment operations, but would only cause a minor disturbance to the area since only relatively small amounts of water would be needed. This water would be obtained from a well at the site. No surface water or ground water quality impacts are expected as a result of using water for dust suppression because only small amounts of water would be required. Any accidental spills or leaks from equipment would be required to be excavated and disposed of properly.

As described in Section 7.F of this EA, the maximum impacts from the air emissions from this facility would be relatively minor. As a result of low air impacts from this facility, the corresponding deposition of the air pollutants in the area would also be very minor. Additionally, the operations would be intermittent and seasonal in nature. Thus, the crushing/screening operations would only have minor impacts to water quality, quantity, and distribution.

C. Geology and Soil Quality, Stability, and Moisture

The geology and soil quality, stability, and moisture in the affected area would be impacted by the crushing/screening operations due to the construction and use of the crushing/screening facility. However, given the relatively small size and portable nature of the operation, and the

fact that operations would take place within a previously disturbed mine site, any impacts would be minor. In addition, as described in Section 7.F of this EA, the maximum impacts from the air emissions from this facility would be relatively minor. As a result of low air impacts from this facility, the corresponding deposition of the air pollutants in the area would also be minor. Some of the air emissions may deposit on local soils, but good dispersion within the area would minimize any air quality and soil quality impacts. In addition, previous disturbance to the area already exists due to past mining activity. Thus, the proposed facility would have minimal impacts to the geology and soil quality.

D. Vegetation Cover, Quantity, and Quality

The existing vegetation cover would be impacted by the emissions from the crushing/screening facility. However, given that the operations are relatively small in size and portable in nature, any impacts would be minor. As described in Section 7.F of this EA, the impacts of air emissions from this facility are minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor. Also, because the water usage is minimal, as described in 7.B, and the associated soil disturbance is minimal, as described in 7.C, corresponding vegetative impacts would also be minimal. Additionally, the proposed facility is in compliance with the NAAQS and MAAQS, so the vegetation would be protected against damage from any associated air pollutants. These standards are designed to be protective of both human health (through primary standards) and public welfare (through secondary standards), so the vegetation would be protected against damage from secondary standards for air quality.

E. Aesthetics

The crushing/screening operations would be visible and would create additional noise in the area. Permit #3223-01 would include conditions to control emissions, including visible emissions, from the plant. Since the crushing/screening operations are a small portable source, and would be located within an existing pit at a mine site, any visual and noise impacts would be minor.

F. Air Quality

The air quality impacts from the crushing/screening operations would be minor because Permit #3223-01 would include conditions limiting the opacity from the plant, as well as requiring water spray bars and other means to control air pollution. Additionally, the facilities size is small and the facility is considered a minor source of air pollution by industrial standards. Also, the facility is in an area where good dispersion will occur. Thus, the size and location of the facility would result in minimal air quality impacts.

The operations would be limited by Permit #3223-01 to total emissions of 250 tons/year or less from non-fugitive sources at the plant, in addition to any additional equipment at the site. However, because the facility is small, the amount of emissions that this facility has the potential to emit are far below any NAAQS or MAAQS values for air quality. Therefore, the plant would be allowed to operate at its maximum capacity without restrictions placed upon its designed maximum process rate. The plant would be required to use water spray to further reduce emissions from equipment operations, on storage piles, and haul roads. Additionally, any emissions that would be generated would have good dispersion after being emitted into the atmosphere due to factors such as wind speed and wind direction. The proposed site is an area where similar industrial disturbance has previously occurred, is an existing pit, and is in an area where any potential impacts would be minimal. Furthermore, the operation would have temporary and intermittent use, thereby further reducing potential air quality impacts from the facility. Therefore, any air quality impacts would be minimal.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department, in an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources in the proposed area of operation, contacted the Montana Natural Heritage Program (MNHP) to identify species of special concern associated with the proposed site location (Section 31, Township 6 North, Range 4 West, in Jefferson County, Montana). Search results concluded there is one such environmental resource that may be 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.

The species of special concern has been identified as the Lynx. While this species may be found within the defined area, the proposed project site is within an area currently being used as an active site. Also, while the proposed site has been identified as "potential habitat" by the MNHP, the Lynx has never been reported as being sited on the proposed site location. Rather, this site has been included as potential habitat, included as part of a much larger generalized area of habitats that may contain the species of concern. Because of the current use of the proposed site and surrounding mine area, and the rarity of the species in question, it is highly unlikely that the species would inhabit this site. Furthermore, due to the minimal air emissions, the proposed project would have, at most, minor impacts on this unique endangered, fragile, or limited environmental resource.

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

Due to the size of the facility, the crushing/screening operations would only require small quantities of water, air, and energy for proper operation. Small quantities of water would be used for dust suppression and would control emissions being generated at the site. Energy requirements would also be small, as the facility is a small crushing/screening operation powered by a small diesel generator. Air resources and subsequent impacts would also be minor because the source is a small and temporary source, with dispersion taking place within a disturbed industrial pit. Generally, the operations are seasonal, and would result in even smaller demands on the environmental resources of water, air, and energy. Any impacts, therefore, would be minor.

#### I. Historical and Archaeological Sites

The Department contacted the Montana Historical Society - State Historical Preservation Office (SHPO) in an effort to identify any historical and/or archaeological sites that may be present in the proposed area of construction/operation. Search results have concluded that there are multiple historical or archaeological resources of concern. However, most of these sites are historical properties within the mine site. According to past correspondence from the Montana State Historic Preservation Office, given the previous disturbance in the area, there would be a low likelihood of adverse disturbance to any known archaeological or historic site. Because the surrounding mine site is active and the proposed project site has previously been used for similar operations, it is unlikely that the operations would have an effect on any known historic or archaeological site. The chances of any impacts would, therefore, be minor.

#### J. Cumulative and Secondary Impacts

The crushing/screening operations would cause minor cumulative and secondary environmental impacts to the physical and biological aspects of the human environment because the facility would generally have only seasonal, intermittent, and temporary use, and because the facility is considered a minor source of air pollutants by industrial standards. The facility would generate emissions of particulate matter (PM), particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>), oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOC), carbon monoxide (CO), and oxides of sulfur (SO<sub>x</sub>). Noise would also be generated from the site, but would cause minimal disturbance because the site is in an existing pit, on an existing mine site, in a remote location. Also, the noise generated would be muffled by the pit, which is developed into

the surrounding hillside. There are other air emitting sources and equipment operations at the proposed site. Therefore, this facility, in combination with the other emissions from the site would not be allowed to exceed 250 tons per year of non-fugitive emissions. Additionally, any other permits for the existing site would already address their environmental impacts associated with their operations at the proposed site. The Department believes that this facility could be expected to operate in compliance with all applicable rules and regulations as would be outlined in Permit #3223-01. Further, the crushing/screening operation would be limited by Permit #3223-01 to total emissions of 250 tons per year or less from all non-fugitive emissions sources operated at any given site.

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 Department has prepared the following comments.

**A. Social Structures and Mores**

The crushing/screening operation would cause no disruption to the social structures and mores in the area because the source is small and temporary. Additionally, the equipment would be located in a remote location, in a previously developed pit that has been cut into the mountainside at an active mine site. Thus, no native or traditional communities would be affected from the proposed project operations and no impacts upon social structures or mores to any surrounding communities would result.

**B. Cultural Uniqueness and Diversity**

The crushing/screening operations would have no impact on the cultural uniqueness and diversity of the area because the source is small and temporary and would be operating in a permitted open cut pit in a remote location. The nearest residence is over 1 mile away and the nearest town is Wickes, Montana, which is a small community that is approximately 2 ½ miles west. Additionally, the facility is considered a minor source of emissions by industrial standards. Thus, the proposed operations are removed from the general population in the surrounding area and would be small, so impacts upon the cultural uniqueness and diversity of the area would not

occur.

C. Local and State Tax Base and Tax Revenue

The crushing/screening operations would have little, if any, effect on the local and state tax base and tax revenue because the facility would be a temporary source and it is small by industrial standards. The facility operations would only require the use of five employees. Thus, only minor impacts to the local and state tax base and revenue could be expected. Furthermore, the impacts to local tax bases and revenue would be minor because the source would be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The crushing/screening operations would locate in a previously disturbed industrial area and are small by industrial standards (having only a minor impact on local industrial production). There would be no affects to agricultural land from operating the facility at a pit within the mine site. Also, the land surrounding the mine site is forested and mountainous terrain, not farmland, so no affects to agricultural land would occur.

E. Human Health

Permit #3223-01 would incorporate conditions to ensure that the crushing/screening facility would be operated 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 7.F., the air emissions from this facility would be minimized by the use of water spray and other emissions limits established in Permit #3223-01. Only minor impacts would be expected from this crushing/screening facility.

F. Access to and Quality of Recreational and Wilderness Activities

The crushing/screening operations would not affect access to recreational and wilderness activities in the area because the area surrounding operational site is currently an active mine site. Thus, no changes to recreational and wilderness activities, or access to those activities, are expected from operations of the crushing/screening facility. Additionally, noise from the facility would be minimal as the pit has been developed into an existing hillside. Also, the facility would be a small and temporary source. Thus, any changes in the quality of recreational and wilderness activities from noise, created by operating the equipment at the site, would be minor and intermittent.

G. Quantity and Distribution of Employment

The crushing/screening operations would not affect the quality and distribution of employment in the area because Bullock would only use five employees for the project. The facility is a small and temporary source, and no new employees are expected to be needed for the proposed project.

H. Distribution of Population

The crushing/screening operation is small. It would not disrupt the normal population distribution in the area because the site is 1 mile from the nearest household, in a sparsely populated area. Additionally, no new employees are expected to be used for the operation of the facility, as the facility is small and only requires five employees to operate the equipment. Thus, no new employees are expected to be utilized and no individuals would move to the area as a result of operating the crushing/screening facility. Therefore, the crushing/screening operations would not disrupt the normal population distribution in the area because of its size and temporary nature.

I. Demands of Government Services

Minor increases would be seen on traffic on existing roadways in the area while the crushing/screening operations are in progress. In addition, government services would be required for acquiring the appropriate permits from government agencies. Demands for government services would be minor.

J. Industrial and Commercial Activity

The crushing/screening operations would represent only a minor increase in the industrial activity in the given area because of the small size of the operations and the portable and temporary nature of the facility. No additional industrial or commercial activity is 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 or goals that would be affected by the proposed project. The state standards would protect the proposed site and the environment surrounding the site.

L. Cumulative and Secondary Impacts

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

*Recommendation:* An EIS is not required.

*If an EIS is not required, explain why the EA is an appropriate level of analysis:* All potential effects resulting from construction and operation of the proposed facility are minor, therefore, an EIS is not required.

*Other groups or agencies contacted or which may have overlapping jurisdiction:* Department of Environmental Quality - Permitting and Compliance Division (Air Resources Management Bureau and Industrial and Energy Minerals Bureau); Montana Natural Heritage Program; and State Historic Preservation Office (Montana Historical Society).

*Individuals or groups contributing to this EA:* Department of Environmental Quality (Air Resources Management Bureau and Industrial and Energy Minerals Bureau), Montana Natural Heritage Program, and State Historic Preservation Office (Montana Historical Society).

*EA prepared by:* Julie Merkel

*Date:* March 6, 2006