

AIR QUALITY PERMIT

Issued To: Rock Solid Enterprises, Inc. Permit #3252-00
P.O. Box 1262 Application Complete: 06/19/03
Havre, MT 59501 Preliminary Determination Issued: 07/15/03
Department Decision Issued: 07/31/03
Permit Final: 08/16/03
AFS #: 777-3252

An air quality permit, with conditions, is hereby granted to Rock Solid Enterprises, Inc. (Rock), pursuant to Sections 75-2-204 and 211 of the 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 Facilities

A. Plant Location

Rock operates a portable truck mix concrete batch plant operation, which will originally locate in the East ½ of the Southeast ¼ of Section 1, Township 32 North, Range 15 East, in Hill County, Montana. However, Permit #3252-00 applies while operating at any location in Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum to this air quality permit will be required for locations in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas.

B. Permitted Equipment

Rock operates a portable concrete batch plant. A complete list of the permitted equipment is contained in Section I.A of the permit analysis.

Section II: Limitations and Conditions

A. Emission Control Requirements

1. Rock shall install, operate, and maintain the fabric filter dust collector and a rubber boot load-out spout as specified in their Montana Air Quality Permit and all supporting documentation (ARM 17.8.749):
 - a. Rock shall install, operate, and maintain the fabric filter dust collector on the cement silo and cement supplement silo; and
 - b. Rock shall maintain the rubber boot load-out spout on their concrete plant for product loadout.
2. Rock shall not cause or authorize to be discharged into the atmosphere from the ready mix plant:
 - a. Any vent emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).

- b. Any fugitive emissions from the source, or from any material transfer operations, including, but not limited to, truck loading or unloading, which exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.308 and ARM 17.8.752).
3. Rock 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 (ARM 17.8.308).
 4. Rock shall treat all unpaved portions of the haul roads, access roads, parking lots, and the general plant area with water and/or chemical dust suppressant as necessary to maintain compliance with the reasonable precautions limitation in Section II.A.3 (ARM 17.8.752).
 5. Total plant production shall be limited to 1,752,000 cubic yards of concrete during any rolling 12-month time period (ARM 17.8.749).
 6. If the permitted equipment is used in conjunction with any other equipment owned or operated by Rock, at the same site, production shall be limited to correspond with an emissions level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department of Environmental Quality (Department) (ARM 17.8.749).
- B. Emissions Monitoring
1. Rock shall inspect the baghouse vents on the silo every 6 months of operation to ensure that each collector is operating at the optimum efficiency recommended by the manufacturer. Records of inspections, repairs, and maintenance shall be kept for a minimum of 5 years (ARM 17.8.749).
 2. Rock shall maintain on-site records of inspections, repairs, and maintenance. All records compiled in accordance with this permit shall be maintained by Rock 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).
- C. Testing Requirements
1. All compliance source tests shall be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
 2. The Department may require testing (ARM 17.8.105).
- D. Operational Reporting Requirements
1. If this concrete batch 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 17.8.765).

2. Rock 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 Rock 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. Rock 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 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 (ARM 17.8.505).

4. Rock 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 startup 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(l)(d) (ARM 17.8.745).

5. Rock shall document, by month, the total concrete plant production. By the 25th day of each month, Rock shall total the plant production during the previous 12 months to verify compliance with the limitation in Section II.A.5. A written report of the compliance verification shall be submitted annually to the Department along with the annual emission inventory (ARM 17.8.749).

Section III: General Conditions

- A. Inspection – Rock 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 Rock fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Rock 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 Department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the Department's decision until the conclusion of the hearing and issuance of a final decision by the Board.
- 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.
- H. Permit Fees - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, the continuing validity of this permit is conditional upon the payment by Rock of an annual operation fee, 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. Rock shall comply with conditions contained in this permit while operating at any location in Montana, except within those areas having a Department approved permitting program.

Permit Analysis
Rock Solid Enterprises, Inc.
Permit #3252-00

I. Introduction

A. Permitted Equipment

Rock Solid Enterprises, Inc. (Rock) operates a portable ready mix concrete batch plant, which includes a 1999 Ready Mix Concrete Batch Plant (Maximum Capacity of 200 cubic yards per hour) and associated equipment. Particulate emissions from the cement silo and the cement supplement silo are controlled by a 1999 Con E. Company fabric filter dust collector. Particulate emissions from the cement batcher are controlled by a rubber boot load-out spout.

B. Process Description

Washed aggregate materials are loaded into a 4-compartment aggregate storage bin that feeds a conveyor. The conveyor feeds an aggregate batcher, and drops the materials onto a rubber boot load-out spout. Aggregates are conveyed to a rubber boot load-out spout and loaded into a mixer truck. Cement and cement supplement are also loaded into the cement truck through the rubber boot load-out spout. The cement and cement supplement are both pneumatically loaded into silos (using fabric filters to control particulate emissions). The cement supplement is screw fed to the cement batcher and the cement is gravity fed into the cement batcher and into the mixer truck. Water is also loaded into the truck mixer. Materials are then mixed and are ready to be transported as cement to the construction site.

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 of Environmental Quality (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 Montana Clean Air Act, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

Rock 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, which can be expected to create emissions in excess of any applicable emission limitation, or to continue for a period greater than 4 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 as to create a public nuisance.

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

1. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
2. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀

Rock must comply 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, Rock 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 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.
4. ARM 17.8.340 Standards of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). The owner or operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, shall comply with the standards and provisions of 40 CFR Part 60. This plant consists of a 2002 Ready Mix Plant and associated equipment. NSPS (40 CFR Part 60, General Provisions and Subpart F, Portland Cement Plants) does not apply because the ready mix plant does not meet the definition of an affected facility.

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 Rock 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. Rock 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, as 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 Permits--When Required. This rule requires a facility to obtain an air quality permit or permit alteration if they construct, alter or use any air contaminant sources that have the potential to emit (PTE) greater than 15 tons per year of any pollutant. Rock has the potential to emit more than 15 tons per year of total particulate matter and particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀); 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 Permits—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. (1) This rule requires that a permit application be submitted prior to installation, alteration or use of a source. Rock 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. Rock submitted an affidavit of publication of public notice for the June 4, 2003, issue of the *Havre Daily News*, a newspaper of general circulation in the Town of Havre, in

- Hill 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 Best Available Control Technology (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 the permit shall be construed as relieving Rock 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 on 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 Rock, 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 of emissions as a result of those changed conditions. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.
 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, including a Transfer of Location notice and an affidavit of publication from a newspaper of general circulation in the area to be affected. (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 Modification--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 FCAA that it would emit, except as this subchapter would otherwise allow.

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

- 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 a lesser quantity as the Department may establish by rule
 - c. PTE > 70 tons/year of PM₁₀ in a serious PM₁₀ 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 #3252-00 for Rock, the following conclusions were made:
 - a. The facility's PTE is less than 100 tons/year for any air pollutant
 - b. The facility's PTE is less than 10 tons/year of any one HAP and less than 25 tons/year of all HAPs
 - c. This source is not located in a serious PM₁₀ nonattainment area
 - d. This facility is not subject to any current NSPS (40 CFR 60, Subpart A and Subpart OOO)
 - e. This facility is not subject to any current NESHAP standards
 - 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

Based on these facts, the Department has determined that Rock will be a minor

source of emissions as defined under Title V.

III. Emission Inventory

Source	PM	PM ₁₀
Aggregate Delivery to Ground Storage	5.64	2.70
Sand Delivery to Ground Storage	1.31	0.62
Aggregate Transfer to Conveyor	5.64	2.70
Sand Transfer to Conveyor	1.31	0.62
Aggregate Transfer to Elevated Storage	5.64	2.70
Sand Transfer to Elevated Storage	1.31	0.62
Cement Unloading to Elevated Storage Silo	0.15	0.10
Cement Supplement Unloading to Elevated Storage Silo	0.10	0.04
Weigh Hopper Loading of Sand/Aggregate	0.74	0.35
Truck Mix Loading of Cement/Supplement/Sand/Aggregate	103.13	25.36
Haul Roads	2.74	1.23
Total	127.71	37.04

- A complete emission inventory for Permit #3252-00 is on file with the Department.

IV. BACT Determination

A BACT determination is required for any new or altered source. Rock 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 used.

All visible emissions from any cement and cement supplement silo (or vent), truck loading or unloading operations, or any material transferring operations shall be limited to less than 20% opacity. Rock 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. Rock shall use a fabric filter dust collector for the cement and cement supplement silos and a rubber boot load-out spout on the cement batcher to maintain compliance with the opacity limitations. The Department determined that using a fabric filter dust collector, a rubber boot load-out spout, water spray and/or chemical dust suppressant, to maintain compliance with the opacity requirements and reasonable precaution limitations constitutes BACT for these sources.

V. Existing Air Quality

Permit #3252-00 is issued for the operation of a portable truck mix concrete batch plant to be originally located in East ½ of the Southeast ¼ Section 1, Township 32 North, Range 15 East, in Hill County, Montana. This facility would be allowed to operate at this proposed site and any other areas designated as attainment or unclassified for all National Ambient Air Quality Standards (NAAQS).

VI. Ambient Air Quality Impacts

This permit is for a portable concrete batch plant to be located in various locations around Montana. In the view of the Department, the amount of controlled particulate emissions generated by this project will not cause concentrations of PM₁₀ 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 and Waste Management Bureau
P.O. Box 200901, Helena, Montana 59620
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued For: Rock Solid Enterprises, Inc.
P.O. Box 1262
Havre, MT 59501

Air Quality Permit Number: 3252-00

Preliminary Determination Issued: July 15, 2003

Department Decision Issued: July 31, 2003

Permit Final: August 16, 2003

1. *Legal Description of Site:* This permit is for the operation of a portable concrete batch plant to be initially located at the East ½ of the Southeast ¼ of Section 1, Township 32 North, Range 15 East, in Hill County, Montana. Permit #3252-00 would apply while operating at any location in Montana, except within those areas having a Department approved permitting program. *A Missoula County air quality permit would be required for locations within Missoula County, Montana.* An addendum to this air quality permit would be required for locations in or within 10 kilometers (km) of certain PM₁₀ nonattainment areas.
2. *Description of Project:* Rock submitted a permit application for the construction and operation of a portable ready mix concrete batch plant, which includes a 1999 Ready Mix Concrete Batch Plant (maximum capacity of 200 cubic yards per hour) and associated equipment. Particulate emissions from the cement silo and the cement supplement silo would be controlled by a 1999 Con E. Company fabric filter dust collector. Particulate emissions from the cement batcher would be controlled by a rubber boot load-out spout.
3. *Objectives of the Project:* Rock, in an effort to increase business and revenue for the company by the sale and use of the aggregate, submitted a complete application for a concrete batch plant. This concrete batch plant would be used to supply wet mix concrete to various construction projects and would allow Rock to operate the portable equipment at various locations throughout Montana, including the proposed initial site location.
4. *Additional Project Site Information:* In many cases, the concrete batch plant operation may move to a general site location, or open cut pit, which has been previously permitted through Industrial and Energy Minerals Bureau (IEMB). If this were the case, a more extensive EA would have been conducted and would be found in the Mined Land Reclamation Permit for that specific site.
5. *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 Rock demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.

6. *A Listing of Mitigation, Stipulations, and Other Controls:* A list of enforceable conditions, including a BACT analysis, would be contained in Permit #3252-00.
7. *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 would be reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.
8. *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 concrete batch plant operations. The concrete batch plant operations would be considered relatively small, by industrial standards, with intermittent and seasonal operations. Therefore, only minor effects on terrestrial life would be expected as a result of equipment operations or from pollutant deposition.

Impacts on aquatic life could result from storm water runoff and pollutant deposition, but such impacts would be minor as the facility would be a minor source of emissions (with seasonal and intermittent operations) and only minor amounts of water would be required to be used for pollution control on the surrounding area of operations. Since good dispersion of air pollutants would occur in the proposed areas of operation and only a minor amount of air emissions would be generated, only minor deposition would occur. Also, there is an ephemeral stream located approximately 100 meters from the permit area. The stream does not discharge into any other surface water body, but rather seeps into the ground. Additionally, the proposed operational site is located approximately ¾ mile away from the Milk River, far enough away that no effects to the river from equipment operations or pollutant deposition would occur. Therefore, no aquatic resources would be affected by the project.

B. Water Quality, Quantity, and Distribution

Water would be used for dust suppression on the surrounding roadways and areas of operation. However, water use would only cause a minor disturbance to the area since only relatively small amounts of water would be needed. At most, only minor surface and groundwater quality impacts would be expected as a result of using water for dust suppression because only small amounts of water would be required and deposition of air pollutants would be minor (as described in Section 8.F of this EA). Additionally, water distribution (from the water resources within the area and use for pollution control for dust suppression) would be minor since only minor amounts of water would be needed.

C. Geology and Soil Quality, Stability, and Moisture

The concrete batch plant would have only minimal impacts upon soils in the proposed site location, due to the construction and use of the concrete batch plant (since the facility is relatively small in size and would have seasonal and intermittent operations). Also, the topography and geology of the site would limit (influence the direction of) emissions impacting the surrounding area of operations and the facility would be locating within previously disturbed area. Therefore, any affects upon geology and soil quality, stability, and moisture at the proposed operational site would be minor.

D. Vegetation Cover, Quantity, and Quality

Because the facility would operate in an open-cut pit, where good pollutant dispersion would occur, and because the facility would be a minor source of emissions, impacts from the emissions from the concrete batch plant would be minor.

As described in Section 8.F of this EA, the amount of air emissions from this facility would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor. Also, because the water usage is minimal, as described in Section 8.B, and the associated soil disturbance is minimal, as described in Section 8.C, corresponding vegetative impacts would also be minimal.

E. Aesthetics

The concrete batch plant operations would only be visible to the general public from Shepard road, to the south of the proposed operational site. The topography of the site would also limit any visible emissions and noise from the site. Further, Permit #3252-00 would include conditions to control emissions, including visible emissions, from the plant. Additionally, the concrete batch plant would operate on an intermittent and seasonal basis and would locate within an open-cut pit (on private property). Therefore, impacts upon aesthetics from the construction and use of the concrete batch plant would be minor and short-lived.

F. Air Quality

The air quality impacts from the concrete batch plant would be minor because Permit #3252-00 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 facility's production capacity would be limited; thus, minimizing potential air emissions. Furthermore, the facility would be located in an area where good pollutant dispersion would occur. Permit #3252-00 would limit total emissions from Rock's concrete batch plant and any additional equipment operated at the site to 250 tons/year or less, excluding fugitive emissions.

Also, the operation would have temporary and intermittent use, thereby further reducing potential air quality impacts from the facility. The small and intermittent amounts of deposition generated from the concrete batch plant would only have minor impacts upon the surrounding environment. Because

the operations would take place in depressed terrain and near the base of a coulee, air emissions would also be more effectively contained within the proposed permit area, yet still allow for good dispersion (ventilation) within the area of operations. Therefore, air quality impacts would be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department, in an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources in the initial proposed area of operation, contacted the Montana Natural Heritage Program (MNHP). Search results concluded there are no such environmental resources found within the defined area. The defined area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer. Although no unique endangered, fragile, or limited environmental resources would be present, the potential effects would be minor and short-lived because the facility is a small industrial source with seasonal and intermittent operations.

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

Due to the size of the facility, the concrete batch plant would only require small quantities of water, air, and energy for proper operation. Small quantities of water would be used for dust suppression. Energy would be provided by line power, so the concrete batch plant would not be powered through fuel combustion at the site. In addition, impacts to air resources would be minor because the source is small by industrial standards, with intermittent and seasonal operations, and because air pollutants generated by the facility would be widely dispersed. Therefore, any impacts to water, air, and energy resources 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 concluded that there are no previously recorded historical or archaeological resources of concern within the area proposed for initial operations. According to past correspondence from the Montana State Historic Preservation Office, given the previous industrial disturbance in the area, there would be a low likelihood of adverse disturbance to any known archaeological or historic site. Therefore, no impacts upon historical or archaeological sites would be expected as a result of operating the proposed concrete batch plant.

J. Cumulative and Secondary Impacts

The concrete batch plant would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would generate emissions of particulate matter (PM) and particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀). Noise would also be generated from the site. Emissions and noise would cause minimal disturbance because the site is an open-cut pit, designated and used for such operations. Additionally, this facility, in combination with the other emissions from the site would not be permitted to exceed 250 tons per year of non-fugitive emissions. Overall, any impacts to the physical and biological aspects of the human environment would be minor.

9. 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 concrete batch plant would cause no disruption to the social structures and mores in the area because the source is a minor source of emissions (by industrial standards) and would only have intermittent operations. Additionally, the equipment would be located in a open-cut pit that is designated and used for such purposes, in an area removed from the general population, would be a minor source of air pollution, and would be required to operate under the conditions in Permit #3252-00. Thus, no native or traditional communities would be affected by the proposed project operations and no impacts upon social structures or mores would result.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of the area would not be impacted by the proposed concrete batch plant because the site and surrounding area have been designated and used for such purposes and are separated from the general population. Additionally, the facility would be considered a portable/temporary source with seasonal and intermittent operations. The predominant use of the surrounding areas would not change as a result of this project.

C. Local and State Tax Base and Tax Revenue

The concrete batch plant operations would have little, if any, impact on the local and state tax base and tax revenue because the facility would be a relatively small industrial source and would operate seasonally and intermittently. The facility operations would require the use of only 4-6 new employees. Thus, only minor, if any, impacts to the local and state tax base and revenue could be expected from the employees and facility production. Furthermore, the impacts to local tax base and revenue is expected to be minor because the source would also be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The concrete batch plant operations would have only a minor impact on local industrial production since the facility is a minor source of emissions (by industrial standards) and would operate at numerous locations. There would be minor effects from air emissions on agricultural land because the facility would be operating in an open-cut pit, surrounded by an area that was once used for agricultural production. Also, the facility operations are small and temporary in nature, and would be permitted with operational conditions and limitations that would minimize air impacts upon surrounding vegetation, as described in Section 8.D. Additionally, pollution control would be utilized on equipment operations and production limits would be established to protect the surrounding environment.

E. Human Health

Permit #3252-00 would incorporate conditions to ensure that the concrete batch plant 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 Section 8.F., the air emissions from this facility would be minimized by the use of a fabric filter dust collector, a rubber boot load-out spout, and production and opacity limits established in Permit #3252-00. Therefore, only minor impacts would be expected on human health from the proposed concrete batch plant.

F. Access to and Quality of Recreational and Wilderness Activities

The concrete batch plant would have a minor impact on the access to and quality of recreational and wilderness activities because the facility would be operating on private property, in a pit that is used for the production of concrete. Thus, no changes to recreational and wilderness activities (and access to those activities) are expected from operating the concrete batch plant. Additionally, emissions and noise generated from the facility would be minor because the facility would operate in an area where topography would limit the exposure to emissions and noise from the facility. Also, operations of the facility would be minor and intermittent. Therefore, any effects upon any quality of recreational and wilderness activities would be minor and short-lived.

G. Quantity and Distribution of Employment

The concrete batch plant is a portable source with seasonal and intermittent operations, and would have only minor effects on the quantity and distribution of employment in the area. Therefore, any effect on the quantity and distribution of employment in the area would be minor.

H. Distribution of Population

The portable concrete batch plant is small and would create 4-6 new employment opportunities with Rock. Also, no individuals are expected to permanently relocate to the area as a result of operating the concrete batch plant. Therefore, the concrete batch plant would only have intermittent and seasonal operations and would not disrupt the normal population distribution in the initial area.

I. Demands of Government Services

Minor increases would be seen in traffic on existing roadways in the area while the concrete batch plant is 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 concrete batch plant would represent only a minor increase in the industrial activity in the given area because the source is a minor source (relatively small in size by industrial standards) and portable and temporary in nature. No additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

Rock would be allowed, by permit, to operate in areas designated by EPA as attainment or unclassified. As a locally adopted environmental plan or goal of protecting the ambient air quality standards in these areas, the equipment would be required to operate in compliance with the conditions and limitations within Permit #3252-00. Further, the facility is a small and portable source that would have intermittent and seasonal operations, so any effects from the facility would be minor and short-lived.

L. Cumulative and Secondary Impacts

The concrete batch plant 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 facility 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 relatively small and temporary, only minor economic impacts to the local economy could be expected from the operation of the facility. Thus, minor and temporary cumulative effects would 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 (Industrial and Energy Minerals Bureau); Montana Natural Heritage Program; and the State Historic Preservation Office (Montana Historical Society).

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

EA prepared by: Ron Lowney

Date: June 30, 2003