



Montana Department of
ENVIRONMENTAL QUALITY

Steve Bullock, Governor
Tracy Stone-Manning, Director

P. O. Box 200901 Helena, MT 59620-0901 (406) 444-2544 Website: www.deq.mt.gov

October 31, 2014

Richard Spang
Western Energy Company
P.O. Box 99
Colstrip, MT 59323

Dear Mr. Spang:

Montana Air Quality Permit #1570-08 is deemed final as of October 31, 2014, by the Department of Environmental Quality (Department). This permit is for a surface coal mine and associated equipment. All conditions of the Department's Decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the Department,

Julie Merkel
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-3626

Doug Kuenzli
Environmental Science Specialist
Air Resources Management Bureau
(406) 444-4267

JM:DCK
Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #1570-08

Western Energy Company
P.O. Box 99
Colstrip, MT 59323

October 31, 2014



MONTANA AIR QUALITY PERMIT

Issued to: Western Energy Company
P.O. Box 99
Colstrip, MT 59323

MAQP: #1570-08
Application Complete: 08/18/2014
Preliminary Determination: 09/26/2014
Department's Decision Issued: 10/15/2014
Permit Final: 10/31/2014
AFS #: 087-0004

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to Western Energy Company (Western Energy), 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

Western Energy operates a surface coal mine and extraction facility located in Area C of the Rosebud Mine. The total estimated coal production for the life of the mine is 241,000,000 tons. Area C is located west of Colstrip in Sections 1-3 of Township 1 North, Range 39 East; Sections 34-36 of Township 2 North, Range 39 East; Sections 1-6, 8-12, and 13-17 of Township 1 North, Range 40 East; and Sections 28, 29, and 31-33 of Township 2 North, Range 40 East in Rosebud County. The list of permitted equipment can be found in Section I of the permit analysis.

B. Current Permit Action

On August 18, 2014, the Department of Environmental Quality (Department) received an application from Bison Engineering, Inc. (Bison), on behalf of Western Energy, for modification of Western Energy's air quality permit to authorize replacement of the particulate matter control technology on the secondary crushers and the transfer points on the overland conveyor. Western Energy currently employs mechanical local exhaust ventilation in conjunction with baghouse control for the capture and removal of airborne particulate matter from the referenced coal processing and handling equipment. Western Energy proposed the installation and operation of a foam dust suppression control system (FDSS) in the control of particulate matter in lieu of the currently installed negative pressure capture and baghouse removal systems. The current permit action authorizes the removal of the existing control equipment and accounts for the installation and operation of the FDSS on the secondary crushers and overland conveyor transfer points.

Section II: Conditions and Limitations

A. Emissions Limitations

1. The Area C primary crushers and coal handling facility, including the negative pressure system on the truck dump, shall be vented to and particulate matter controlled by a baghouse(s) (ARM.17.8.752).

2. A foam dust suppression system shall be installed and operated on the secondary crushers and each of three transfer points on the overland conveyor to control particulate matter emissions (ARM 17.8.752).
3. Western Energy shall not cause visible emissions of greater than 20% opacity to be discharged into the atmosphere from any coal handling, conveying, crushing, processing, storing or loading system averaged over 6 consecutive minutes (ARM 17.8.308, ARM 17.8.304, 340 and 40 CFR Part 60, Subpart Y).
4. Western Energy 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).
5. Western Energy shall treat all unpaved portions of the haul roads, access roads, parking lots, or general plant area with water and/or chemical dust suppression as necessary to maintain compliance with the reasonable precautions limitation in Section II.A.3 (ARM 17.8.749).
6. The following control measures shall be applied on an as necessary basis (ARM 17.8.752, ARM 17.8.749 and ARM 17.8.308):
 - a. Chemically stabilize and maintain all active haul and access roads and supplement by watering;
 - b. Apply water to temporary roads such as scraper travel areas;
 - c. Adequately maintain open coal storage and minimize equipment activity on stockpiles;
 - d. Minimize fall/drop distance on all coal and overburden handling activities;
 - e. Minimize area of surface disturbance;
 - f. Promptly revegetate exposed/disturbed areas, including temporary vegetative cover of topsoil stockpiles;
 - g. Minimize emissions from coal and overburden drilling through the use of dust curtains, water sprays, dust collectors, or other appropriate techniques;
 - h. Conduct blasting operations in such a manner as to minimize emissions, prevent overshooting, provide stemming of holes, and minimize area to be blasted;
 - i. Extinguish areas of burning or smoldering coal;
 - j. Restrict and maintain vehicle speeds on haul roads as necessary to minimize emissions; and,
 - k. Other control practices which may be determined by the Department to be necessary.

7. Western Energy shall maintain a fugitive dust control plan. Elements of the plan shall include, but not be limited to, the conditions established within Section II.A.1 through II.A.5 (ARM 17.8.749 and 752).
8. Combined annual coal production from Areas C and F shall be limited to 8,000,000 tons per year (ARM 17.8.749).
9. Western Energy shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 Code of Federal Regulations (CFR), Subpart Y, *Standards of Performance for Coal Preparation Plants and Processing Plants* (ARM 17.8.340 and 40 CFR 60, Subpart Y).

B. Testing Requirements

1. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
2. The Department may require testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. Western Energy 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 emission inventory contained in the permit analysis and sources identified in Section I 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. The information shall include the following and shall be in the units required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

Western Energy shall submit the following information annually to the Department by March 1, of each year; the information may be submitted along with the annual emission inventory (ARM 17.8.505).

2. Western Energy shall notify the Department of any construction or improvement project conducted pursuant to ARM 17.8.745 that would include the ***addition of a new emission unit***, 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. 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 (l)(d) (ARM 17.8.745).
3. All records compiled in accordance with this permit must be maintained by Western Energy as a permanent business record for at least 5-years following the date of the measurement, must be available at the plant site for inspection by the department, and must be submitted to the department upon request (ARM 17.8.749).

D. Notification

Western Energy shall provide the Department with written notification of the actual date upon which the FDSS system is initially operated. The notice shall be postmarked or hand-delivered no later than 15 days after the actual operational commencement date (ARM 17.8.749).

E. Ambient Monitoring

1. Particulate matter within an aerodynamic diameter of ten microns or less (PM₁₀) data has been collected at the Western Energy mine since 1992. During the 1992-2000 period, the annual means at all sites were less than 28% of the annual standard. For the 24-hour PM₁₀ concentrations, all of the annual, maximum 24-hour values were less than 53% of the 24-hour standard. Therefore, in accordance with the October 9, 1998, monitoring guidance statement developed by the Department, Western Energy may discontinue operation of their ambient air-monitoring network.
2. The Department may require Western Energy to conduct additional ambient air monitoring, if necessary (ARM 17.8.749).

Section III: General Conditions

- A. Inspection – Western Energy 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 (Continuous Emission Monitoring Systems CEMS, Continuous Emission Rate Monitoring Systems (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 Western Energy fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving Western Energy 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. Permit Fees – Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by Western Energy may be grounds for revocation of this permit, as required by that section and rules adopted there under by the Board.
- H. Duration of Permit – Construction or installation must begin or contractual obligations entered into that would constitute substantial loss within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall expire (ARM 17.8.762).

Montana Air Quality Permit (MAQP) Analysis
Western Energy Company - Rosebud Mine
MAQP #1570-08

I. Introduction/Process Description

A. Permitted Equipment

Western Energy Company (Western Energy) operates the following equipment;

1. Coal handling facilities - include, but are not limited to:
 - a. Truck dump with two 500-ton capacity dump hoppers.
 - b. Two primary crushers with capacities of 1650 ton/hr each.
 - c. Two secondary crushers with capacities of 1650 ton/hr each.
 - d. One overland conveyor with a capacity of 1650 ton/hr, approximately 5 miles in length. . This conveyor transports coal from the Area C preparation facility to the Colstrip power plants, Units 3 and 4. The conveyor and transfer points are fully enclosed and utilize a foam dust suppression system (FDSS) in the control particulate matter.

NOTE: Only one dump hopper, primary crusher and secondary crusher will operate at a time, with the other being a redundant system. The primary crushers and initial conveyors at the preparation facility are fully enclosed and vented to a central baghouse. The truck dump is equipped with a negative pressure system vented to the central baghouse.

2. Necessary auxiliaries include, but are not limited to: draglines, coal shovels, trucks, front-end loaders, graders, scrapers, dozers, other mobile units, auxiliary facilities, etc., as applicable.

B. Source Description

Western Energy operates a surface coal extraction facility and mine located in Area C of the Rosebud Mine. Area C is located west of Colstrip in Sections 1-3 of Township 1 North, Range 39 East; Sections 34-36 of Township 2 North, Range 39 East; Sections 1-6, 8-12, and 13-17 of Township 1 North, Range 40 East; and Sections 28, 29, and 31-33 of Township 2 North, Range 40 East of Rosebud County.

Western Energy has a combined maximum annual production limit of 8,000,000 tons of coal per year. The total projected coal production for the life of the mine is estimated at 241,000,000 tons. All Coal extracted from Area C will be transported by haul truck to the Area C or Area A truck dump for further processing.

C. Permit History

MAQP #1570 was originally issued to Western Energy for Area C of the Rosebud Mine on August 2, 1982. The coal processing facilities, with emissions controlled by baghouses, included primary and secondary crushers and conveyors. Area C coal was used exclusively at the local power generating facilities known as Colstrip Units 3 and 4. An overland conveyor, with baghouse controls at each transfer point, transported coal 5 miles from Area C to the power plants. The original permit contained a coal production limit of 5.6 million tons per year. Overburden was stripped using standard dragline practices and shovel and truck removed coal. Other mine related activities included topsoil handling (primarily with scrapers), drilling and blasting of overburden and coal, vehicle traffic, and reclamation/farming activities.

MAQP #1570A was a modification issued on January 6, 1986. The permit action discontinued ambient air monitoring for meteorological parameters and settled particulate matter (a.k.a. dustfall). Total suspended particulate (TSP) monitoring was still required; however, five TSP sites were discontinued, five existing TSP sites continued to operate, and two new TSP sites were added. MAQP #1570A replaced MAQP #1570.

MAQP #1570B was a modification issued on December 22, 1988. The annual coal production limit was increased from 5.6 to 6.5 million tons per year. No changes were made to the coal mining methods or coal handling procedures. MAQP #1570B replaced MAQP #1570A.

MAQP #1570C was a modification issued on March 22, 1990, that dealt only with ambient air monitoring. A new particulate matter-monitoring site was required near Castle Rock Lake Drive. The description of monitoring sites #12 & #13 were revised to correct a transposition error from an earlier permitting action. Clarifying language was added that explained the Department of Environmental Quality's (Department) policy for future ambient PM₁₀ monitoring requirements. Lastly, the ambient air monitoring requirements were removed from the body of the permit and placed in an attachment to the main permit (hereafter referred to as Attachment 1). MAQP #1570C replaced MAQP #1570B.

MAQP #1570-04 was a modification issued on September 1, 1994. The annual coal production limit was increased from 6.5 to 7.5 million tons per year. No other operational changes were made. MAQP #1570-04 replaced MAQP #1570C.

MAQP #1570-05 was a modification issued on June 15, 2000. The permit action was an administrative change requested by Western Energy on March 30, 2000. Western Energy requested corrections to the site location description in their permit. Additionally, the permit was updated to reflect the current format and language used in permits. MAQP #1570-05 replaced MAQP #1570-04.

MAQP #1570-06 was a modification issued on July 19, 2001. The Department received a letter, dated April 27, 2001, from Western Energy requesting termination of the ambient air-monitoring network. Following the October 9, 1998, permitting guidance statement, the Department reviewed the ambient air monitoring data. In a letter dated May 23, 2001, the Department agreed to Western Energy's request to terminate their ambient monitoring program, effective July 1, 2001. The permit action updated the monitoring requirements to reflect the termination of the ambient air-monitoring network. MAQP #1570-06 replaced MAQP #1570-05.

On April 18, 2013, the Department received an initial application from Bison Engineering, Inc. (Bison), on behalf of Western Energy, for modification of Western Energy's air quality permit to allow expansion to the geographic extent of the mine. The existing MAQP explicitly defined the physical area in which mining activities are permitted. As such, the application requests an expansion of this physical boundary into a new area designated as Area F. No additional coal production capacity was requested, the objective of the expansion is to further extend the life of the mine by replacing areas from which coal has been extracted. Supplemental information and data was received by the Department on June 12, 2013. The current permit action provides for an expansion of the mines operational boundary. No additional stationary or portable equipment are proposed.

This permit action also incorporates a de minimis action approved by the Department on July 20, 2013, which increased the annual production capacity limit by 500,000 tons to a total of 8.0 million tons per year. In addition this permit action updates permit language and rule references used by the Department, as well as updates the emission inventory. **MAQP #1570-07** is pending until issuance of the final Environmental Impact Statement.

D. Current Permit Action

On August 18, 2014, the Department received an application from Bison Engineering, Inc. (Bison), on behalf of Western Energy, for modification of Western Energy's air quality permit to authorize replacement of the particulate matter control technology on the secondary crushers and the transfer sites on overland conveyor. Western Energy currently employs mechanical local exhaust ventilation in conjunction with baghouse control for the capture and removal of airborne particulate matter from the referenced coal processing and handling equipment. Western Energy proposed the installation and operation of a foam suppression dust control system (FDSS) in the control of particulate matter in lieu of the currently installed negative pressure capture and baghouse removal systems. The current permit action authorizes the removal of the existing control equipment and accounts for the installation and operation of the FDSS on the secondary crushers and overland conveyor transfer points. **MAQP #1570-08** replaces MAQP #1570-06.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT)/Reasonably Available Control Technologies (RACT) determinations, air quality impacts, and environmental assessments, is included in the 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 includes a list of applicable definitions used in this chapter, 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).

Western Energy shall comply with the requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited, 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 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 which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which 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 17.8.204 Ambient Air Monitoring
2. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide (SO₂)
3. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide (NO₂)
4. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide (CO)
5. ARM 17.8.213 Ambient Air Quality Standards for Ozone (O₃)
6. ARM 17.8.214 Ambient Air Quality Standard for Hydrogen Sulfide (H₂S)
7. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter (PM)
8. ARM 17.8.221 Ambient Air Quality Standard for Visibility
9. ARM 17.8.222 Ambient Air Quality Standards for Lead
10. ARM 17.8.223 Ambient Air Quality Standard for Particulate Matter with an Aerodynamic Diameter of Ten Microns or Less (PM₁₀)

Western Energy 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 are taken to control emissions of airborne particulate matter. (2) Under this rule, Western Energy 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, allow or permit to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this rule.
4. ARM 17.8.310 Particulate Matter Industrial Processes. This rule requires that no person shall cause, suffer, allow, or permit to be discharged into the outdoor atmosphere from any operation, process or activity, particulate matter in excess of the amount shown in this rule.
5. ARM 17.8.322, Sulfur Oxide Emissions-Sulfur in Fuel. 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 rule
6. ARM 17.8.324(3) Hydrocarbon Emissions--Petroleum Products. No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with a vapor loss control device as described in (1) of this rule
7. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). The owner and operator of any stationary source or modification, as defined and applied in 40 CFR Part 60, shall comply with the NSPS.
 - a. 40 CFR Part 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:
 - b. 40 CFR Part 60, Subpart Y – Standards of Performance for Coal Preparation Plants and Processing Plants. Process operations at this facility that meet the definition of affected facilities include any coal processing and conveying equipment, coal storage systems, or coal transfer and loading systems.
8. ARM 17.8.342 Emission Standards for Hazardous Air Pollutants for Source Categories. This rule incorporates, by reference, 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories. Western Energy shall comply with the requirements of 40 CFR Part 63, as applicable.

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 MAQP application. A permit application is incomplete until the proper application fee is paid to the Department. Western Energy submitted the appropriate permit application fee 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 MAQP (excluding an open burning permit) issued by the Department. The air quality 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 MAQP 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 prorate 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 person to obtain an MAQP or permit modification to construct, modify, or use any air contaminant sources that have the potential to emit (PTE) greater than 25 tons per year of any pollutant. Western Energy has a PTE greater than 25 tons per year of PM, PM₁₀, Volatile Organic Compounds (VOC); therefore, an MAQP is required.
3. ARM 17.8.744 Montana Air Quality Permits--General Exclusions. This rule identifies the activities that are not subject to the MAQP 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 do not require a permit under the MAQP 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, modification, or use of a source. Western Energy 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. Western Energy submitted an affidavit of publication of public notice for the August 7, 14, and 21, 2014, issue of the *Independent Press*, a newspaper of general circulation in the City of Forsyth in Rosebud 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 III of this permit analysis.
8. ARM 17.8.755 Inspection of Permit. This rule requires that MAQPs 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 Western Energy 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 MAQP shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or modified 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 MAQP may be revoked upon written request of the permittee, 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 MAQP 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. 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, and 10.

14. ARM 17.8.765 Transfer of Permit. This rule states that an MAQP 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 (PSD) 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 17.8.827 shall apply to any major stationary source and any major modification, with respect to each pollutant subject to 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 since this facility is not a listed source and the source's potential to emit (excluding fugitive emissions) is below 250 tons per year of any 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 source having:
 - a. Potential to emit (PTE) > 10 ton/year of any single Hazardous Air Pollutant (HAP), PTE > 25 ton/year of total combined HAPs, or lesser quantity as the Department may establish by rule;
 - b. PTE > 100 ton/year of any pollutant; or
 - c. Sources with the PTE > 70 ton/year of PM₁₀ in a serious PM₁₀ non-attainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program. (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 MAQP #1570-08 for Western Energy, the following conclusions were made:
 - a. The facility's PTE is less than 100 ton/year for any pollutant, excluding fugitives.
 - b. The facility's PTE is less than 10 tons/year for any single HAP and less than 25 ton/year of combined HAPs.
 - c. This source is not located in a serious PM₁₀ non-attainment area.
 - d. This facility is subject to NSPS 40 CFR 60 Subpart Y
 - 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 sources.

Based on these conclusions, the Department has determined that Western Energy will be a minor source of emissions as defined under Title V. Therefore, a Title V operating permit is not required. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, Western Energy will be required to obtain a Title V Operating Permit.

III. BACT Determination

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

On behalf of Western Energy, Bison provided a BACT analysis for the control of fugitive particulate emission associated with the proposed project. The BACT document analyzed available methods for controlling fugitive particulate emissions from the processing, handling and transfer of coal related to the proposed project and subsequent justification for selection of the proposed option as BACT. The elements of this BACT analysis are as follows:

A. Identification of Control Options

In the consideration for BACT, Western Energy, identified and evaluated the follow available control options for the proposed project.

Best Operating Practices (BOPs)	BOPs include practices such as minimizing drop heights for transfers and minimizing turbulence in the process stream. BOPs were the base case control for the BACT analysis.
Enclosure	Enclosures function as control techniques by employing structures or underground placement to shelter material from wind entrainment. Enclosures can fully or partially surround the source.
Passive Enclosure Containment System (PEC)	PECs are a special class of enclosure control designed into the transfer and conveyance structure to limit the amount of turbulence and impacts to materials as it passes through a system. PECs are also designed to limit air pressure differences that would force particulate laden air from the transfer process.
Wet Dust Suppression (Water Spray)	Wet dust suppression methods apply water to materials in a bulk processing and/or transfer system generally by spray application. Emissions are prevented through agglomerate formation by combining small dust particles with larger aggregate or with liquid droplets. Water retained by sprayed material reduces emissions in downstream transfers.
Fogging Dust Suppression System	Fogging systems work on the same principle as wet dust suppression. Fogging systems create a fine mist of micron-sized water droplets in an area above an emission point. As fine particles are emitting into the fog they impact water droplets and agglomerate with other wetted particle and drop from suspension.

Foam Dust Suppression System (FDSS)	Like wet fogging systems, FDSSs are a specialized type of wet dust suppression system that incorporates a chemical foaming agent and surfactant. Relatively small amounts of chemical and water are mixed in a controlled ratio and then atomized with compressed air to create a large volume of stiff foam. The foam is then mixed into the bulk material stream where it wets fine particles and facilitates agglomeration that prevents escape to the atmosphere.
Wet Particulate Scrubber	Wet scrubbers typically use water to impact, intercept, or diffuse particulate in a waste gas stream. Particulate material is accelerated and impacted onto a solid surface or into a liquid droplet through devices such as a venturi and spray chamber. The wet slurry material that is generated is typically stored in an on-site waste impoundment.
Electrostatic Precipitator (ESP)	An ESP uses electrical forces to move entrained particles onto a collection surface. Periodically the collection surface must be cleaned to remove dust cake, which drops into a collection hopper.
Fabric Filter Dust Collector (Baghouse)	Baghouses direct particulate laden exhaust through fine mesh fabric which traps particulate by sieving or filtration. Filters are intermittently cleaned by shaking, air pulsing (reverse jet) or reversed airflow direction

B. Control Technology Selection

As part of the analysis, Western Energy evaluated each identified method for technical practicability and the ability to provide a maximum degree of control of fugitive particulate emissions. Of the identified control technologies selected, only ESP was determined not to be technically practicable due to performance limitations. The other identified methods were determined to provide comparable control efficiencies depending upon certain operating variables and environmental conditions. Economic feasibility was not specifically addressed as the identified control technologies presented comparable costs.

Western Energy concluded that installation and operation of an FDSS constitutes BACT in the control of particulate matter, as this technology is capable of providing an effective means of particulate control for the material processing and transfer operations associated with this proposed project.

The Department concurs with this this BACT determination, as the control option selected achieves equivalent pollution control levels and costs comparable to other recently permitted similar sources and is capable of achieving the appropriate emission standards. FDSS technology performs well within a broad spectrum of operating conditions and has been employed in the control of particulate emissions from operating coal mines located within the western United States.

As part of the change Western Energy will remove the baghouses from each of the overland conveyor transfer points and isolate the secondary crushers from the main baghouse. However, the enclosures around the equipment will be maintained and retrofitted to accept the FDSS system. Upon consideration, the Department has concluded that maintenance of the existing source enclosures and installation and operation of FDSS on the secondary crushers and overland conveyor transfer points constitutes BACT in this application.

IV. Emission Inventory

A complete emission inventory is available from the Department.

Area C - Potential Emissions Summary

Fugitive Emissions							
Emission Source(s)	PM	PM ₁₀	PM _{2.5}	CO	NO _x	SO ₂	VOC
Topsoil Removal	74.93	37.46	3.75	--	--	--	--
Topsoil Dumping	2.85	1.35	0.2	--	--	--	--
Overburden Drilling	4.22	0.52	0.05	--	--	--	--
Overburden Blasting Cast Blasting	110.95	57.69	3.33	--	--	--	--
Overburden Removal - Dragline	623.78	120.22	10.6	--	--	--	--
Overburden Handling - Truck/Shovel	250.88	188.16	4.77	--	--	--	--
Overburden Dumping	2.85	1.35	0.2	--	--	--	--
Overburden Handling - Bulldozer	97.8	18.57	10.27	--	--	--	--
Haul Roads - Travel	852.27	227.09	22.57	--	--	--	--
Access Roads - Unpaved	374	101.56	10.16	--	--	--	--
Coal Drilling	0.71	0.09	0.01	--	--	--	--
Coal Blasting	40.67	21.15	1.22	--	--	--	--
Coal Removal	0.33	0.11	0.02	--	--	--	--
Explosive Detonation (ANFO)	--	--	--	577.04	146.41	17.23	--
Disturbed Acres - Complete (< 2 yrs.)	39.79	19.89	1.99	--	--	--	--
Disturbed Acres - Partial (< 1 yrs.)	134.06	67.03	6.7	--	--	--	--
Disturbed Acres - Partial (> 1 yrs.)	119.51	59.76	5.98	--	--	--	--
Disturbed Acres - Pits, Peaks, Soil Stripping	1066.13	533.06	53.31	--	--	--	--
Coal Crushing (secondary)	2.0	0.60	0.06				
Overland Conveyor	0.15	0.07	0.01				
TOTAL FUGITIVE EMISSIONS ►	3797.88	1455.73	135.20	577.04	146.41	17.23	0

Stationary Source Emissions (Non-Fugitive)							
Emission Source(s)	PM	PM ₁₀	PM _{2.5}	CO	NO _x	SO ₂	VOC
Truck Dump – Coal	0.27	0.1	0.01	--	--	--	--
Primary Coal Crusher	0.8	0.24	0.02	--	--	--	--
TOTAL NON-FUGITIVE EMISSIONS ►	1.07	0.34	0.03	0	0	0	0

V. Existing Air Quality

The Rosebud Mine is located in areas designated as unclassifiable/attainment for all National Ambient Air Quality Standards (NAAQS) pollutants and attainment for all Montana Ambient Air Quality Standards (MAAQS) pollutants. .

VI. Air Quality Impact Analysis

The current permit action allows for a minor increase in potential emissions from the Rosebud mine complex. The allowable PTE increase is below levels which would otherwise meet the definition of a de minimis change, therefore the Department believes it will not cause or contribute to a violation of any ambient air quality standards.

VII. Taking or Damaging Implication Analysis

As required by 2-10-105, MCA, the Department conducted the following private property taking and damaging assessment.

YES	NO	
✓		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	✓	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	✓	3. Does the action deny a fundamental attribute of ownership? (ex.: right to exclude others, disposal of property)
	✓	4. Does the action deprive the owner of all economically viable uses of the property?
	✓	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If no, go to (6)].
		5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?
		5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
	✓	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	✓	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally?
	✓	7a. Is the impact of government action direct, peculiar, and significant?
	✓	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
	✓	7c. Has government action lowered property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?
	✓	Takings or damaging implications? (Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b; the shaded areas)

Based on this analysis, the Department determined there are no taking or damaging implications associated with this permit action.

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
P.O. Box 200901, Helena, Montana 59620
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued To: Western Energy Company
P.O. Box 99
Colstrip, MT 59323

Montana Air Quality Permit (MAQP): 1570-08

Preliminary Determination Issued: 09/26/2014

Department Decision Issued: 10/15/2014

Permit Final: 10/31/2014

1. *Legal Description of Site:* Area C is located west of Colstrip in Sections 1-3 of Township 1 North, Range 39 East; Sections 34-36 of Township 2 North, Range 39 East; Sections 1-6, 8-12, and 13-17 of Township 1 North, Range 40 East; and Sections 28, 29, and 31-33 of Township 2 North, Range 40 East in Rosebud County. The list of permitted equipment can be found in Section I of the permit analysis.
2. *Description of Project:* Western Energy Company (Western Energy) proposed the installation and operation of a foam suppression dust control system (FDSS) in the control of particulate matter in lieu of the currently installed negative pressure capture and baghouse removal systems. No additional coal production capacity or coal processing equipment are proposed.
3. *Objectives of Project:* the objective of the expansion project is to further extend the life of the mine by expanding areas from which coal will be extracted.
4. *Alternatives Considered:* In addition to the proposed action, the Montana Department of Environmental Quality – Air Resources Management Bureau (Department) 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 Western Energy demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the “no-action” alternative was eliminated from further consideration.
5. *A Listing of Mitigation, Stipulations, and Other Controls:* A list of enforceable conditions, including a Best Available Control Technology (BACT) analysis, would be included in MAQP #1570-08.
6. *Regulatory Effects on Private Property:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined that the permit conditions are reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.

7. The following table summarizes the potential physical and biological effects of the proposed project on the environment. The “no-action” alternative was discussed previously.

Potential Physical and Biological Effects							
Item	Description	Major	Moderate	Minor	None	Unknown	Comments Included
A	Terrestrial and Aquatic Life and Habitats				✓		yes
B	Water Quality, Quantity, and Distribution			✓			yes
C	Geology and Soil Quality, Stability, and Moisture				✓		yes
D	Vegetation Cover, Quantity, and Quality				✓		yes
E	Aesthetics				✓		yes
F	Air Quality			✓			yes
G	Unique Endangered, Fragile, or Limited Environmental Resource			✓			yes
H	Demands on Environmental Resource of Water, Air, and Energy			✓			yes
I	Historical and Archaeological Sites				✓		yes
J	Cumulative and Secondary Impacts			✓			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

Air quality impacts from the current permit action would be negligible as the proposed action would lead to a marginal potential increase in air emissions. This emissions increase under this proposed action would be less than those allowed under the de minimis rule provisions of Administrative Rules of Montana 17.8.745. As such Department has determined that any additional impact to terrestrial and aquatic life and habitats related to the current permit action would not likely occur.

B. Water Quality, Quantity and Distribution

This project would expect to have a little additional effect on the water quality, quantity, and distribution due to the use of water for FDSS. Any increase in particulate matter emissions would be negligible and not likely to impact water quality. Water would be required for the FDSS, however any volumes necessary for foam generation would not likely impact the quantity and distribution of water. Therefore, the Department has determined that the impacts to the water quality, quantity, and distribution would likely be minor.

C. Geology and Soil Quality, Stability and Moisture

This project would expect to have a little additional effect on geology and soil quality, stability and moisture due to the employment of the FDSS. Any increase in particulate matter emissions would be negligible and not likely to impact these aspects. Therefore, the Department has determined that any additional impacts to the geology and soil quality, stability, and moisture related to the current permit action would likely not occur.

D. Vegetation Cover, Quantity, and Quality

The particulate matter emissions increase from this project would be expected to present no additional impact on the surrounding vegetation with respect to cover, quantity and quality. Any potential increase in emissions would be negligible; therefore, the Department has determined that any additional impacts to the vegetation cover, quantity, and quality related to the current permit action would not likely occur.

E. Aesthetics

There will be no additional equipment added to the mine site and activity levels, including noise, would be consistent with existing coal mine operations. There are visual emissions associated with the proposed action would be representative of current conditions. Therefore, Department has determined that the additional impacts to the aesthetics related to the current permit action would not likely occur.

F. Air Quality

The area surrounding the proposed project is unclassifiable/attainment for all NAAQS criteria air pollutants. The Department believes that current concentrations of criteria pollutants in the area are at or near background levels and well below any NAAQS levels. The proposed project would not create any additional impact to receptors and resources within the proposed project area due to this slight increase in fugitive emissions of particulate matter.

The Department has determined that the amount of increased particulate emissions resulting from the proposed project would not create additional degradation and any such impact to air quality from the proposed project would be to be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

The current permit action would occur within the previously disturbed industrial site at the mine. As part of the MEPA analysis on initial mine development, assessments of potential impacts to unique endangered, fragile, or limited environmental resources were done by the Department, including contact with the Montana Natural Heritage Program – Natural Resource Information System (NRIS) to identify species of special concern at the mine site. Due to the location of the sources within the existing mine and the negligible amount of increase in potential emissions, the Department determined that impacts to unique endangered, fragile, or limited environmental resources associated with the current permit action would be expected minor as a result of this permit action.

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

The current permitting action would have a minor impact to the demand on environmental resources of water, air, and energy. Additional demand for water and energy will be required for the production of foam and operation of the FDSS. However, with the removal of the exhaust fans associated with the baghouse installations, the net result may likely be a reduction in these aspects. Any demands are expected to be equally representative of current levels. Further, emissions generated from the proposed permit action would place limited demands on air because of the conditions placed in MAQP

#1570-08. Overall, the Department determined that the demands on the environmental resource of water, air, and energy related to the current permit action would be expected to be minor.

I. Historical and Archaeological Sites

The current permit action would occur within the previously disturbed industrial site at the mine. According correspondence from the Montana State Historic Preservation Office, there is low likelihood of adverse disturbance to any known archaeological or historic site because of previous industrial disturbances. Therefore, the Department determined that the likelihood that the current permit action would have an impact on historical or archaeological sites would likely not exist.

J. Cumulative and Secondary Impacts

The cumulative and secondary impacts from the proposed project on physical and biological receptors in the immediate area due to an increase in emissions from the proposed project would be expected to be minor. Air pollution from the facility would be controlled by Department-determined BACT, as discussed in Section III of the permit analysis, along with the limitations and conditions in MAQP #1570-08. The Department believes that this facility could be expected to operate in compliance with all applicable rules and regulations as outlined within the air quality permit.

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.*

Potential Social and Economic Effects							
Item	Description	Major	Moderate	Minor	None	Unknown	Comments Included
A	Social Structures and Mores				✓		yes
B	Cultural Uniqueness and Diversity				✓		yes
C	Local and State Tax Base and Tax Revenue				✓		yes
D	Agricultural or Industrial Production				✓		yes
E	Human Health			✓			yes
F	Access to and Quality of Recreational and Wilderness Activities				✓		yes
G	Quantity and Distribution of Employment				✓		yes
H	Distribution of Population				✓		yes
I	Demands for Government Services			✓			yes
J	Industrial and Commercial Activity				✓		yes
K	Locally Adopted Environmental Plans and Goals				✓		yes
L	Cumulative and Secondary Impacts			✓			yes

SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC AND SOCIAL EFFECTS: The following comments have been prepared by the Department.

A. Social Structures and Mores

The current permitting action would not create additional disruption to any native or traditional lifestyles or communities (social structures or mores) in the area as the project will occur within the boundary of the existing mine and only a negligible increase in emissions is expected. The Department is not aware of any current utilization by native or traditional communities. Therefore no known impact to social structures and mores would be expected.

B. Cultural Uniqueness and Diversity

The Department determined that the current permit action would not have any additional impact on the cultural uniqueness and diversity of this area of operation because the proposed project would occur within the previously disturbed industrial area. The surrounding area would remain unchanged as a result of the proposed project.

C. Local and State Tax Base and Tax Revenue

The current permit action will not have an the impact on the local and state tax base and tax revenue due to this permit action as no additional coal production will result and no new employees are planned as a result of this project. Therefore the cumulative impact to the tax base and revenue will not result.

D. Agricultural or Industrial Production

No additional agricultural or industrial production will occur as a result of this permit action. Therefore, the overall impacts to agricultural or industrial production would not likely occur.

E. Human Health

The proposed project would result in a negligible increase in emissions due to the proposed project. Further MAQP #1570-09 contains limitations and conditions including, but not limited to, the BACT requirements discussed in Section III of the permit analysis, to ensure that the operations would maintain compliance with all applicable rules and standards. These rules and standards are designed to be protective of human health. Therefore any impact to human health from the proposed project would be expected to be minor.

F. Access to and Quality of Recreational and Wilderness Activities

The current permit action would occur within the existing mine boundary and would not impact access to recreational and wilderness activities. Emissions from the proposed project would be negligible and will not likely present any additional impacts to the quality of recreational activities. No designated wilderness areas would be impacted by the project. Therefore, the associated impacts on the access to and quality of recreational and wilderness activities would likely not occur.

G. Quantity and Distribution of Employment

According to Western Energy the proposed project would not necessitate the hiring of additional employees; therefore no effect on the quantity and distribution of employment would be expected as a result of the expansion.

H. Distribution of Population

No full time or permanent employees would be added as a result of proposed project. Therefore the distribution of population in the area would not be impacted as a result of the current permit action.

I. Demands for Government Services

Government services would be required for acquiring the appropriate permits from government agencies and for ongoing interaction with Western Energy. The proposed project would not likely increase the need for government service resources beyond the current capacity. As a result of this project any addition demands for government services would be expected to be minor.

J. Industrial and Commercial Activity

The proposed project would not result in an increase in production from the mine site, the industrial activity would be commensurate with current operations, and no additional coal processing or handling equipment or manpower would be requirement. As such, no additional increases to industrial and commercial activity would be expected to occur.

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.

L. Cumulative and Secondary Impacts

Overall, cumulative and secondary impacts from this project would result in only minor impacts to the social and economic aspects addressed. The Department believes Western Energy would be expected to operate in compliance with all applicable rules and regulations as outlined in MAQP #1570-08.

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

If an EIS is not required, explain why the EA is an appropriate level of analysis: The current permitting action is for a proposed replacement of the control technology on the secondary coal crusher and overland conveyor which results in only minor impacts to items addressed within this EA. MAQP #1570-08 includes conditions and limitations to ensure the facility will operate in compliance with all applicable rules and regulations. In addition, there are no significant impacts associated with this proposal.

Other groups or agencies contacted or which may have overlapping jurisdiction: Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

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

EA prepared by: D. Kuenzli

Date: September 24, 2014