



Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: [www.deq.mt.gov](http://www.deq.mt.gov)

August 20, 2012

Tressia Contreras  
FNF Construction, Inc.  
115 S. 48<sup>th</sup> Street  
Tempe, AZ 85281

Dear Ms. Contreras:

Montana Air Quality Permit #4769-00 is deemed final as of August 18, 2012, by the Department of Environmental Quality (Department). This permit is for a crushing and screening plant. 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,

Charles Homer  
Manager, Air Permitting, Compliance and Registration  
Air Resources Management Bureau  
(406) 444-5279

Craig Henrikson  
Environmental Engineer  
Air Resources Management Bureau  
(406) 444-6711

CH:CPH  
Enclosure

Montana Department of Environmental Quality  
Permitting and Compliance Division

Montana Air Quality Permit #4769-00

FNF Construction, Inc.  
115 S. 48<sup>th</sup> Street  
Tempe, AZ 85281

August 18, 2012



## MONTANA AIR QUALITY PERMIT

Issued To: FNF Construction, Inc.  
115 S. 48<sup>th</sup> Street  
Tempe, AZ 85281

MAQP: #4769-00  
Application Complete: 06/19/2012  
Preliminary Decision Issued: 07/17/2012  
Department's Decision Issued:  
08/02/2012  
Permit Final: 08/18/2012  
AFS #: 777-4769

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to FNF Construction, Inc. (FNF) pursuant to Sections 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

### SECTION I: Permitted Facilities

#### A. Permitted Equipment

FNF proposes to operate a portable crushing and screening plant and associated equipment including a wash plant. A complete list of permitted equipment is contained in Section I.A of the permit analysis.

#### B. Plant Location

The initial location of the proposed portable crushing and screening operation is Section 11, Township 24 North, Range 59 East in Richland County, Montana. However, MAQP #4769-00 applies while operating at any location in Montana, except those areas having a Montana Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.*

### SECTION II: Conditions and Limitations

#### A. Emission Limitations

1. All visible emissions from any Standards of Performance for New Stationary Source (NSPS)-affected crusher shall not exhibit an opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340 and 40 Code of Federal Regulations (CFR) Part 60, Subpart OOO).
  - For crushers that commence construction, modification, or reconstruction on or after April 22, 2008: 12% opacity
  - For crushers that commence construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008: 15% opacity
2. All visible emissions from any other NSPS-affected equipment, other than a crusher (such as screens or conveyors), shall not exhibit opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340 and 40 CFR, Subpart OOO).
  - For equipment that commences construction, modification, or reconstruction on or after April 22, 2008: 7% opacity

- For equipment that commences construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008: 10% opacity
3. All visible emissions from any non-NSPS affected equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).
  4. Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.749).
  5. FNF 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).
  6. FNF shall treat all unpaved portions of the haul roads, access roads, parking lots, or 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.5 (ARM 17.8.749).
  7. FNF shall not operate more than two (2) crushers with associated screens at any given time and the total combined maximum rated design capacity of the crusher(s) shall not exceed 1,200 tons per hour (TPH) (ARM 17.8.749).
  8. FNF shall not operate or have on site more than one (1) diesel-fired generator set at any given time. The maximum rated design capacity of the diesel-fired generator engine shall not exceed 814 brake-horsepower (bhp) (ARM 17.8.749).
  9. Operation of the diesel engine driving the generator shall not exceed 2800 hours during any rolling 12-month time period (ARM 17.8.749).
  10. If the permitted equipment is used in conjunction with any other equipment owned or operated by FNF, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons of emissions during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
  11. FNF shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants* (ARM 17.8.340 and 40 CFR 60, Subpart OOO).
  12. FNF shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart IIII, *Standards of Performance for Stationary Compression Ignition Internal Engines* and 40 CFR 63, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, for any applicable diesel engine (ARM 17.8.340; 40 CFR 60, Subpart IIII; ARM 17.8.342; and 40 CFR, Subpart ZZZZ).

#### B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but no later than 180 days after initial startup, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures, as specified in 40 CFR Part 60.675, must be performed on all NSPS-affected equipment to demonstrate compliance with the emissions limitations contained in Sections II.A.1 and II.A.2 (ARM 17.8.340, 40 CFR Part 60, Subpart A and Subpart OOO).

2. All compliance source tests shall be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another location, an Intent to Transfer form must be sent to the Department and 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 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 17.8.749 and ARM 17.8.765).
2. FNF 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 not be limited to, all sources of emissions identified in the emission inventory contained in 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 the units required by the Department. This information may be used for calculating operating fees, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. FNF 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 emissions 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 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).
4. FNF shall document, by month, the hours of operation of the diesel engine/generator. By the 25<sup>th</sup> day of each month, FNF shall total the hours of operation for the diesel engine/generator for the previous month. The monthly information will be used to demonstrate compliance with the rolling 12-month limitation in Section II.A.9. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
5. FNF shall maintain on-site records showing daily hours of operation (including operating hours of the diesel fired generator set) and daily production rates for the last 12 months. The records compiled in accordance with this permit shall be maintained by FNF 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

FNF shall provide the Department with written notification of the actual start-up date of the crushing and screening operation postmarked within 15 days after the actual start-up date (ARM 17.8.749).

### SECTION III: General Conditions

- A. Inspection – FNF 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 Continuous Emissions Monitoring System (CEMS), Continuous Emissions Rate Monitoring System (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 FNF fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving FNF of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided for 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. Air Quality Operation Fees – Pursuant to Section 75-2-220, MCA, failure to pay the annual operation fee by FNF may be grounds for revocation of this permit, as required by that section and rules adopted thereunder 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).
- 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. FNF shall comply with the conditions contained in this permit while operating in any location in Montana, except within those areas that have a Department-approved permitting program or areas considered tribal lands.

Montana Air Quality Permit (MAQP) Analysis  
FNF Construction, Inc.  
MAQP #4769-00

I. Introduction/Process Description

FNF Construction, Inc. (FNF) owns and operates a portable crushing and screening plant with a maximum rated design capacity of 1,200 tons per hour (TPH) crushing production with an integral screen on each crusher.

A. Permitted Equipment

The following list of permitted equipment is based on information provided within the application submitted by FNF and is provided for reference. MAQP #4769-00 is written de minimis friendly and operational flexibility is provided so that alternate equipment may be utilized as long as maximum capacities are not exceeded and permit conditions are met. See Section II of the MAQP for specific equipment limitations and/or conditions. Equipment permitted under this action consists of the following:

- Jaw Crusher (600 TPH) with integral screen
- Cone Crusher (600 TPH) with integral screen
- Caterpillar Diesel-Fired Generator with a maximum rating of 814 brake-horsepower
- Wash Plant for cleaning raw materials prior to crushing
- Associated Material Handling Equipment; feeder, conveyors (including integrated equipment conveyors), stackers, etc.

B. Source Description

FNF proposes to use this crushing/screening plant and associated equipment to crush sand and gravel materials for use in various construction operations. For a typical operational setup, materials are loaded into the crushing/screening plant by a feeder, transferred by conveyor, and passed through the closed-loop processing equipment. Materials are crushed by the crusher(s) and sent to the screen(s). Materials are screened, separated, and sent to stockpile for sale and use in construction operations.

FNF is based out of Arizona, however the initial location proposed for this facility, shall serve as the plant's designated home pit while operating in Montana. The initial location proposed is located in Section 11, Township 24 North, Range 59 East in Richland County, Montana.

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 location 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).

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

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 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 of 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 17.8.204 Ambient Air Monitoring
2. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide (SO<sub>2</sub>)
3. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide (NO<sub>2</sub>)
4. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide (CO)
5. ARM 17.8.213 Ambient Air Quality Standard for Ozone(O<sub>3</sub>)
6. ARM 17.8.214 Ambient Air Quality Standard for Hydrogen Sulfide (H<sub>2</sub>S)
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 Standard for Lead
10. ARM 17.8.223 Ambient Air Quality Standard for Particulate Matter with an Aerodynamic Diameter of 10 Microns or Less (PM<sub>10</sub>)
11. ARM 17.8.230 Fluoride in Forage

FNF 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 less than 20% for all fugitive emission sources and that reasonable precautions are taken to control emissions of airborne particulate matter. (2) Under this rule, FNF shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.
4. ARM 17.8.310 Particulate Matter, Industrial 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.
5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this section.
6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) 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 truck or trailer 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 Code of Federal Regulations (CFR) Part 60, Standards of Performance for New Stationary Sources (NSPS). Based on the information submitted by FNF the portable crushing/screening operation and associated equipment are subject to NSPS (40 CFR 60), as follows:
  - a. 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:
  - b. 40 CFR 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. In order for a crushing/screening plant to be subject to NSPS requirements, two specific criteria must be met. First, the crushing/screening plant must meet the definition of an affected facility and, second, the equipment in question must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by FNF, the portable crushing equipment to be used under MAQP #4769-00 is subject to this subpart as it meets the definition of an affected facility modified after August 31, 1983.
  - c. 40 CFR 60, Subpart III - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE). Owners and operators of stationary CI ICE that commence construction after July 11, 2005, where the stationary CI ICE are manufactured after April 1, 2006, and are not fire pump engines, and owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005, are subject to this subpart.

Applicability to this subpart is dependent upon the nature and location of operation. The diesel engine associated with this air quality permit is a CI ICE engines constructed in 2004; therefore, this engine is not covered by this subpart.

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. Based on the information submitted by FNF the associated diesel engines are applicable to NESHAP (40 CFR 63), as follows:

- a. 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to a NESHAPs Subpart as listed below.
- b. 40 CFR 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants (NESHAPs) for Stationary Reciprocating Internal Combustion Engines (RICE). An owner or operator of a stationary RICE at a major or area source of Hazardous Air Pollutant (HAP) emissions is subject to this rule except if the stationary RICE is being tested at a stationary RICE test cell/stand. An area source of HAP emissions is a source that is not a major source. As FNF is considered an area source of HAP emissions and operates RICE equipment the engine(s) are potentially subject to this subpart depending upon the location and nature of operation.

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

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. FNF 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 air quality permit, 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 quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.

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

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a person to obtain an air quality permit or permit modification to construct, modify, or use any asphalt plant, mineral crusher, mineral screen, or other portable source that has the potential to emit (PTE) greater than 15 tons per year (tpy) of any pollutant. FNF has a PTE greater than 15 tpy oxides of nitrogen (NO<sub>x</sub>), 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 do not require a permit under 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, modification, or use of a source. FNF 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. FNF submitted an affidavit of publication of public notice for the, June 13, 2012, issue of the *Sidney Herald*, a newspaper of general circulation in the City of Sidney in Richland 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 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 FNF 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 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 air quality permit 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 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. 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. (1) This rule states that an MAQP may be transferred from one location to another if the Department receives a complete notice of intent to transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of intent to transfer, including the names of the transferor and the transferee, is sent to the Department.

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

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major 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 a listed source and the facility's PTE is less than 250 tpy of any pollutant (excluding fugitive emissions).

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

1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:
  - a. PTE > 100 tpy of any pollutant;
  - b. PTE > 10 tpy of any single HAP, PTE > 25 tpy of any combination of HAPs, or lesser quantity as the Department may establish by rule; or
  - c. PTE > 70 tpy of PM<sub>10</sub> in a serious PM<sub>10</sub> nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In review and issuance of MAQP #4769-00 for FNF, the following conclusions were made:
  - a. FNF PTE is less than 100 tpy for any Title V pollutant.

- b. The facility's PTE is less than 10 tpy for any single HAP and less than 25 tpy of combined HAPs.
- c. This source is not located in a serious PM<sub>10</sub> nonattainment area.
- d. This facility is potentially subject to a current NSPS (40 CFR 60, Subpart OOO and potentially Subpart IIII).
- e. This facility is potentially subject to a current NESHAP standard (40 CFR 63, Subpart ZZZZ).
- f. This source is not a Title IV affected source.
- g. This source is not a solid waste combustion unit.
- h. This source is not an EPA designated Title V source.

Based on these facts, the Department has determined that FNF will be a minor source of emissions as defined under Title V. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, FNF will be required to obtain a Title V Operating permit.

### III. BACT Determination

A BACT determination is required for any new or modified source. FNF 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 used.

A BACT analysis accompanied the permit application submitted by FNF, addressing available methods of controlling emissions from operation of the crushing and screening operation. The Department has reviewed these methods, as well as previous BACT determinations. The following control options have been reviewed by the Department in order to make the following BACT determinations.

The control options selected contain control equipment and control costs comparable to other recently permitted similar sources and are capable of achieving the appropriate emission standards.

#### A. Crushing & Screening Particulate Emissions

Two types of emission controls are readily available and used for dust suppression of fugitive emissions that result from the operation of crushing/screening equipment and associated activities. These two control methods are water and chemical dust suppressant. Chemical dust suppressant could be used on the area surrounding the crushing/screening operation, and for emissions from the crushing/screening operation itself. However, in view of the fact that water is more readily available, more cost effective, is equally effective as chemical dust suppressant, while presenting less potential environmental quality degradation, water has been identified as the most appropriate method of pollution control of particulate emissions. In addition, water suppression has been required of recently permitted similar sources. However, FNF may use chemical dust suppressant to assist in controlling particulate emissions.

FNF shall not cause or authorize to be discharged into the atmosphere from any NSPS-affected crusher any visible emissions that exhibit an opacity of 12% or greater averaged over 6 consecutive minutes for crushers that commenced construction, modification, or reconstruction on or after April 22, 2008. Additionally, FNF shall not cause or authorize to be discharged into the atmosphere from any other associated NSPS-affected equipment, such as screens and material conveyors, any visible emissions that exhibit an opacity of 7% or greater averaged over 6 consecutive minutes for equipment that commences construction, modification, or reconstruction after April 22, 2008, and 10% for equipment that commences construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008. Finally, FNF shall not cause or authorize to be discharged into the atmosphere from any crusher, screen, or associated equipment, not subject to NSPS, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.

FNF is required to have water spray bars and water available on site (at all times) and to apply the water, as necessary, to maintain compliance with the opacity restrictions and reasonable precautions limitations. FNF may also use chemical dust suppressant to maintain compliance with emissions limitations in Section II.A. of MAQP #4769-00. The Department determined that using water spray bars, water, and/or chemical dust suppressant to maintain compliance with the opacity requirements and reasonable precaution limitations constitutes BACT for the operation for the additional equipment.

The control options selected contain control equipment and control costs comparable to other recently permitted similar sources and are capable of achieving the appropriate emission standards.

#### B. Diesel-Fired Engine

Due to the limited amount of emissions produced by the diesel-fired engine used in association with MAQP #4769-00 and the lack of cost effective add-on controls, add-on controls would be cost prohibitive. Therefore, the Department determined that proper operation and maintenance with no add-on controls would constitute BACT for the diesel-fired engine.

In addition, any new diesel-fired engine would likely be required to comply with the federal engine emission limitations including, for example, EPA Tier emission standards for non-road engines (40 CFR Part 1039), New Source Performance Standard emission limitations for stationary compression ignition engines (40 CFR 60, Subpart IIII), or National Emissions Standards for Hazardous Air Pollutant Sources for Reciprocating Internal Combustion Engines (40 CFR 63, Subpart ZZZZ). Therefore, the Department has determined that compliance with applicable federal standards and proper operation and maintenance of the engines constitutes BACT for these engines.

IV. Emission Inventory

Emission Source	Emissions Tons/Year [PTE]						
	PM	PM <sub>10</sub>	PM <sub>2.5</sub>	CO	NO <sub>x</sub>	SO <sub>x</sub>	VOC
Jaw Crusher with Integral Screen	3.15	1.42	0.26	--	--	--	--
Cone Crusher with integral Screen	3.15	1.42	0.26	--	--	--	--
Truck Unloading (Assume all material is unloaded that can be processed in crushers)	0.08	0.08	--	--	--	--	--
Transfer Points (Assume 3 Transfer Points that are Controlled)	0.37	0.12	0.03	--	--	--	--
Pile Formation (Assume sum of crusher capacity)	17.00	8.04	1.22	--	--	--	--
Truck Loading (Assume all material is eventually loaded)	0.74	0.24	--	--	--	--	--
One Diesel Generator	1.05	0.84	0.84	7.52	16.81	2.34	0.31
Unpaved Roadways (Haul Roads)	5.39	1.49	0.15	--	--	--	--
<b>TOTAL EMISSIONS &gt;</b>	<b>30.93</b>	<b>13.65</b>	<b>2.77</b>	<b>7.52</b>	<b>16.81</b>	<b>2.34</b>	<b>0.31</b>

(a) PM/PM<sub>10</sub>/PM<sub>2.5</sub> emissions presented in the table represent the sum of the filterable and condensable particulate matter (CPM) fractions.

- CO, carbon monoxide
- bhp, brake-horsepower
- g, grams
- MMBtu, million British Thermal Units
- NO<sub>x</sub>, oxides of nitrogen
- PTE, Potential To Emit
- PM, particulate matter
- PM<sub>COND</sub>, condensable particulate matter [< 2.5 microns]
- PM<sub>10</sub>, particulate matter with an aerodynamic diameter of 10 microns or less
- PM<sub>2.5</sub>, particulate matter with an aerodynamic diameter of 2.5 microns or less
- SO<sub>2</sub>, sulfur dioxide
- TPH, tons per hour
- TPY, tons per year
- VOC, volatile organic compounds

**FNF Construction Emission Inventory Calculation Details**

**Jaw Crusher  
Crusher  
Capacity**

Process Rate: 600 ton/hr  
 Operating Hours: 8760 hours/year  
 5256000 tpy

PM Emissions:

Emission Factor: 0.0012 lbs/ton  
 [AP-42 Table 11.19.2-8/04]  
 lbs/ton  
 Table 11.19.2-

2 8/04]

Calculations	(0.0012 lbs/ton) * (600.00 ton/hour) =	0.72 lbs/hr
	(0.72 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =	3.15 TPY

PM<sub>10</sub> Emissions:

Emission Factor	0.00054 lbs/ton [AP-42 Table 11.19.2-2 8/04]	
Calculations	(0.00054 lbs/ton) * (600.00 ton/hour)	0.32 lbs/hr
	=	
	(0.32 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =	1.42 TPY

PM<sub>2.5</sub> Emissions:

Emission Factor	0.0001 lbs/ton [AP-42 Table 11.19.2-2 8/04]	
Calculations	(0.0001 lbs/ton) * (600.00 ton/hour) =	0.06 lbs/hr
	(0.06 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =	0.26 TPY

*Crusher  
Cone Crusher*

Process Rate:	600.0 ton/hr	
Operating Hours	8760 hours/ye	5256000 tpy
	ar	

PM Emissions:

Emission Factor	0.0012 lbs/ton [AP-42 Table 11.19.2-2 8/04]	
Calculations	(0.0012 lbs/ton) * (600.00 ton/hour) =	0.72 lbs/hr
	(0.72 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =	3.15 TPY

PM<sub>10</sub> Emissions:

Emission Factor	0.00054 lbs/ton [AP-42 Table 11.19.2-2 8/04]	
Calculations	(0.00054 lbs/ton) * (600.00 ton/hour)	0.32 lbs/hr
	=	
	(0.32 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =	1.42 TPY

PM<sub>2.5</sub> Emissions:

Emission Factor	0.0001 lbs/ton [AP-42 Table 11.19.2-2 8/04]	
Calculations	(0.0001 lbs/ton) * (600.00 ton/hour) =	0.06 lbs/hr
	(0.06 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =	0.26 TPY

*Truck Unloading (Assume all material is unloaded that can be processed in crushers)*

Process Rate:	1200.0 ton/hr (Assumes each crusher operates independently)	
Operating Hours	8760 hours/ye	
	ar	

PM Emissions	(Set to Match PM <sub>10</sub> directly below)	0.08 TPY
--------------	--	----------

PM<sub>10</sub> Emissions:

Emission Factor	0.000016 lbs/ton [AP-42 Table 11.19.2-2 8/04]	
Calculations	(0.000016 lbs/ton) * (1,200.00 ton/hour) =	0.02 lbs/hr
	(0.02 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =	0.08 TPY

**Transfer Points**

Process Rate: 600 ton/hr (Assumes each conveyor limited to 200 tons per hour)  
 Operating Hours: 8760 hours/year

PM Emissions: (Conveyor Transfer Points)

Emission Factor: 0.00014 lbs/ton [AP-42 Table 11.19.2-2 8/04]  
 Calculations: (0.00014 lbs/ton) \* (600.00 ton/hour) = 0.08 lbs/hr  
 = (0.08 lbs/hr) \* (8760 hrs/yr) \* (0.0005 tons/lb) = 0.37 TPY

PM10 Emissions:

Emission Factor: 0.000046 lbs/ton [AP-42 Table 11.19.2-2 8/04]  
 Calculations: (0.000046 lbs/ton) \* (600.00 ton/hour) = 0.03 lbs/hr  
 (0.03 lbs/hr) \* (8760 hrs/yr) \* (0.0005 tons/lb) = 0.12 TPY

PM2.5 Emissions:

Emission Factor: 0.000013 lbs/ton [AP-42 Table 11.19.2-2 8/04]  
 Calculations: (0.000013 lbs/ton) \* (600.00 ton/hour) = 0.01 lbs/hr  
 (0.01 lbs/hr) \* (8760 hrs/yr) \* (0.0005 tons/lb) = 0.03 TPY

**Pile Formation (Assume crushers not independent)**

Process Rate: 600 ton/hr Equation 1 from AP-42 Sec 13.2.4.3 11/06  
 Operating Hours: 8760 hrs/year U = wind speed miles per hour 8.15 (estimate)  
 k = particle size multiplier 0.74 AP-42 Sec 13.2.4-3 11/06  
 M = Moisture content % 2.52 (estimate)

Emission Factor: 0.00323375 lbs/ton  $E=k*(0.0032)*(U/5)^{1.3}/(M/2)^{1.4}$   
 Calculations: (0.00323 lbs/ton) \* (600.00 ton/hour) = 1.94 lbs/hr  
 = (1.94 lbs/hr) \* (8760 hrs/yr) \* (0.0005 tons/lb) = 8.50 TPY

Equation 1 from AP-42 Sec 13.2.4.3 11/06  
 U = wind speed miles per hour 8.15 8.15 (estimate)  
 k = particle size multiplier 0.35 0.35 AP-42 Sec 13.2.4-3 11/06  
 M = Moisture content % 2.52 2.52 (estimate)

Emission Factor: 0.00152948 lbs/ton  $E=k*(0.0032)*(U/5)^{1.3}/(M/2)^{1.4}$   
 Calculations: (0.00153 lbs/ton) \* (600.00 ton/hour) = 0.92 lbs/hr  
 = (0.92 lbs/hr) \* (8760 hrs/yr) \* (0.0005 tons/lb) = 4.02 TPY

PM <sub>2.5</sub> Emissions:	Equation 1 from AP-42 Sec 13.2.4.3 11/06			
	U = wind speed miles per hour	8.15	8.15	(estimate)
	k = particle size multiplier	0.053	0.35	AP-42 Sec 13.2.4-3 11/06
	M = Moisture content %	2.52	2.52	(estimate)
Emission Factor	0.00023161 lbs/ton	E=k*(0.0032)*(U/5)^1.3/(M/2)^1.4		
Calculations	(0.00023 lbs/ton) * (600.00 ton/hour)	0.14	lbs/hr	
	=			
	(0.14 lbs/hr) * (8760 hrs/yr) * (0.0005 tons/lb) =	0.61	TPY	

**Truck Loading (Assume all material is eventually loaded)**  
 Modeled as Truck Loading Conveyor

Process Rate: 1200 ton/hr  
 Operating Hours: 8760 hours/year

**PM Emissions:**

Emission Factor	0.00014 lbs/ton	[AP-42 Table 11.19.2-2 8/04]	
Calculations	(0.00014 lbs/ton) * (1,200.00 ton/hour) =	0.17	lbs/hr
	(0.17 lbs/hr) * (8760 hrs/yr) * (0.0005 tons/lb) =	0.74	TPY

**PM<sub>10</sub> Emissions:**

Emission Factor	0.000046 lbs/ton	[AP-42 Table 11.19.2-2 8/04]	
Calculations	(0.000046 lbs/ton) * (1,200.00 ton/hour) =	0.06	lbs/hr
	(0.06 lbs/hr) * (8760 hrs/yr) * (0.0005 tons/lb) =	0.24	TPY

**One Diesel Generator**

Engine Rating: 814 hp  
 Operating Hours: 2800 hrs/yr

**Particulate Emissions:**

**PM Emissions:**

Emission Factor	0.75 lb/hr	[Application Submittal]	
Calculations	(0.75 lb/hp-hr) =	0.75	lbs/hr
	(0.75 lbs/hr) * (2800 hrs/yr) * (0.0005 tons/lb) =	1.05	TPY

**PM<sub>10</sub> Emissions:**

Emission Factor	0.60 lb/hr	[Estimate]	
Calculations	0.60 lbs/hr		0.60 lbs/hr
	$(0.60 \text{ lbs/hr}) * (2800 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$		0.84 TPY

**PM<sub>2.5</sub> Emissions:**

Emission Factor	0.60 lb/hr	[Estimate]	
Calculations	0.60 lbs/hr		0.60 lbs/hr
	$(0.60 \text{ lbs/hr}) * (2800 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$		0.84 TPY

**CO Emissions:**

Emission Factor	5.37 lb/hr	[Application Submittal]	
Calculations	5.37 lbs/hr		5.37 lbs/hr
	$(5.37 \text{ lbs/hr}) * (2800 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$		7.52 TPY

**NO<sub>x</sub> Emissions:**

Emission Factor	12.010 lb/hr	[Application Submittal]	
Calculations	12.010 lbs/hr		12.01 lbs/hr
	$(12.01 \text{ lbs/hr}) * (2800 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$		16.81 TPY

**SO<sub>x</sub> Emissions:**

Emission Factor	0.00205 lb/hp-hr	[AP-42 3.3-1, 6/06 ]	
Calculations	$(0.0021 \text{ lb/hp-hr}) * (814 \text{ hp}) =$		1.67 lbs/hr
	$(1.67 \text{ lbs/hr}) * (2800 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$		2.34 TPY

**VOC Emissions:**

Emission Factor	0.22000 lb/hr	[Application Submittal]	
Calculations	0.22000 lbs/hr		0.22 lbs/hr
	$(0.22 \text{ lbs/hr}) * (2800 \text{ hrs/yr}) * (0.0005 \text{ tons/lb}) =$		0.31 TPY

**Unpaved Roadways (Haul Roads)**

Emission Factor	$EF = k(s/12)^a * (W/3)^b$	[AP-42 13.2.2.2, 11/06]	
	EF, Emission Factor = lbs Emitted Per Vehicle Mile Traveled (VMT)		
	k, Empirical Constant PM =	4.9	[AP-42 Table 13.2.2-2, 11/06]
	k, Empirical Constant PM <sub>10</sub> =	1.5	[AP-42 Table 13.2.2-2, 11/06]
	k, Empirical Constant PM <sub>2.5</sub> =	0.15	[AP-42 Table 13.2.2-2, 11/06]
	s, Surface Material Silt Content (%) =	7.1	[AP-42 Table 13.2.2-1, 11/06]
	W, Mean Vehicle Weight Loaded (tons) =	48	[Estimated]
	a, Empirical Constant PM =	0.7	[AP-42 Table 13.2.2-2, 11/06]
	a, Empirical Constant PM <sub>10</sub> and PM <sub>2.5</sub> =	0.9	[AP-42 Table 13.2.2-2, 11/06]
	b, Empirical Constant PM, PM <sub>10</sub> and PM <sub>2.5</sub> =	0.45	[AP-42 Table 13.2.2-2, 11/06]

PM Emissions(uncontrolled): PM30

Emission Factor	$EF = 4.9 * (7.1/12)^{0.7} * (48/3)^{0.45} =$	11.82 lbs/V
-----------------	---	-------------

				MT	
Calculations	$(11.82 \text{ lbs/VMT}) * (5 \text{ miles/day}) =$		59.08	lbs/day	
	$(59.08 \text{ lbs/day}) * (365 \text{ days/yr}) * (0.0005 \text{ tons/lb}) =$		10.78	TPY	
	50% Control Applied		5.39	TPY	
PM <sub>10</sub> Emissions(uncontrolled):					
Emission Factor	$EF = 1.5 * (7.1/12)^{0.9} * (48/3)^{0.45} =$	3.26	lbs/V		
			MT		
Calculations	$(3.26 \text{ lbs/VMT}) * (5 \text{ miles/day}) =$		16.28	lbs/day	
	$(16.28 \text{ lbs/day}) * (365 \text{ days/yr}) * (0.0005 \text{ tons/lb}) =$		2.97	TPY	
	50% Control Applied		1.49	TPY	
PM <sub>2.5</sub> Emissions(uncontrolled):					
Emission Factor	$EF = 0.15 * (7.1/12)^{0.9} * (48/3)^{0.45} =$	0.33	lbs/V		
			MT		
Calculations	$(0.33 \text{ lbs/VMT}) * (5 \text{ miles/day}) =$		1.63	lbs/day	
	$(1.63 \text{ lbs/day}) * (365 \text{ days/yr}) * (0.0005 \text{ tons/lb}) =$		0.30	TPY	
	50% Control Applied		0.15	TPY	

#### V. Existing Air Quality

The initial location of this portable source is to be located in Section 11, Township 24 North, Range 59 East in Richland County, Montana. The initial location and those areas for which this facility is permitted to operate under MAQP #4769-00 has been designated unclassified/attainment with all ambient air quality standards and there are no major air pollution sources in the surrounding area.

#### VI. Air Quality Impacts

MAQP #4769-00 will cover the plant while operating at any location within Montana, excluding those areas having a Department-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain PM<sub>10</sub> nonattainment areas.

Emissions generated from the operation of this source are to be well control and limited, furthermore, the portable unit would be expected to be operated on an intermittent and seasonal basis and any air quality impacts would be minimal and temporary. Therefore, the Department determined that the impact from this permitting action will be minor and is not expected to cause or contribute to a violation of any ambient air quality standard.

#### VII. Ambient Air Impact Analysis

The Department determined that the impact from this permitting action will be minor. The Department believes it will not cause or contribute to a violation on any ambient air quality standard.

### VIII. 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	
X		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	X	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	X	3. Does the action deny a fundamental attribute of ownership? (ex.: right to exclude others, disposal of property)
	X	4. Does the action deprive the owner of all economically viable uses of the property?
	X	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?
	X	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	X	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?
	X	7a. Is the impact of government action direct, peculiar, and significant?
	X	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
	X	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?
	X	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.

### IX. Environmental Assessment

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

Analysis prepared by: C. Henrikson  
Date: July 6, 2012

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Permitting and Compliance Division**  
**Air Resources Management Bureau**  
**P.O. Box 200901, Helena, MT 59620**  
**(406) 444-3490**

**FINAL ENVIRONMENTAL ASSESSMENT (EA)**

*Issued To:* FNF Resources, Inc.  
115 S. 48<sup>th</sup> Street  
Tempe, AZ 85281

*Montana Air Quality Permit Number (MAQP):* 4769-00

*Preliminary Determination Issued:* 07/17/2012

*Department Decision Issued:* 08/02/2012

*Permit Final:* 08/18/2012

1. *Legal Description of Site:* FNF Resources, Inc. (FNF) proposes to operate a portable non-metallic mineral crushing, screening and wash plant, which will initially be located in Section 11, Township 24 North, Range 59 East in Richland County, Montana. However, MAQP #4769-00 applies while operating at any location in Montana, except those areas having a Department-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain PM<sub>10</sub> nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum would be required for locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas.
2. *Description of Project:* The Department received a permit application from FNF for the operation of a portable crushing facility with a combined maximum rated design process rate of 1,200 tons per hour (TPH) of crushing capacity with integral screens attached. FNF proposes to utilize a portable electrical generator set to supply electrical power to the plant.
3. *Objectives of Project:* The object of the project would be to produce business and revenue for the company through the sale and use of aggregate. The issuance of MAQP #4769-00 would allow FNF to operate the permitted equipment at various locations throughout Montana (as described above), including the proposed initial site location.
4. *Alternatives Considered:* In addition to the proposed action, the Department considered the "no-action" alternative. The "no-action" alternative would deny issuance of the MAQP to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because FNF demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.
5. *A Listing of Mitigation, Stipulations, and Other Controls:* A listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in MAQP #4769-00.
6. *Regulatory Effects on Private Property:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined the permit conditions would be reasonably necessary to ensure compliance with applicable requirements and to demonstrate compliance with those requirements and would not unduly restrict private property rights.

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

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

**SUMMARY OF COMMENTS ON POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS:** The following comments have been prepared by the Department.

**A. Terrestrial and Aquatic Life and Habitats**

This permitting action would be expected to have a minor effect on terrestrial and aquatic life and habitats. Furthermore, the air emissions would likely have only minor effects on terrestrial and aquatic life because facility emissions would be well dispersed in the area of the operations (see Section 7.F of this EA) and would have intermittent and seasonal operations. Therefore, only minor and temporary effects to terrestrial and aquatic life and habitat would be expected from the proposed project.

**B. Water Quality, Quantity, and Distribution**

Water would be required for dust suppression on the mineral processing equipment and surrounding facility area, including haul roads. This water use would be expected to only cause minor, if any, impacts to water resources because the facility is small and only a small volume of water would be required to be used. In addition, the facility would emit air pollutants, and corresponding deposition of pollutants would occur, as described in Section 7.F. of this EA. The current site is covered in crested wheat grass and alfalfa. The Department determined that, due to dispersion characteristics of pollutants and conditions that would be placed in MAQP #4769-00, any impacts from deposition of pollutants on water quality, quantity, and distribution expected would be minor.

**C. Geology and Soil Quality, Stability, and Moisture**

Only minor impacts from deposition of air pollutants on soils would likely result (as described in Section 7.F of this EA) and only minor amounts of water would be used for pollution control, and only as necessary, in controlling particulate emissions. Thus, only minimal water runoff would likely occur. Since only minor amounts of pollution would be expected and corresponding emissions would be widely dispersed before settling upon surrounding soils and vegetation (as described in Section 7.D of this EA), impacts would be minor. Therefore, any effects upon geology and soil quality, stability, and moisture from air pollutant emissions from equipment operations would likely be minor and short-lived.

D. Vegetation Cover, Quantity, and Quality

Vegetative cover would be impacted at the site of the new equipment as the site is currently in crested wheat grass and alfalfa. During operations, the facility would likely be a relatively minor source of emissions and the pollutants widely dispersed (as described in Section 7.F of this EA); therefore, deposition on vegetation from the proposed project would expect to be minor. Also, due to limited water usage (as described in Section 7.B of this EA) and minimal associated soil disturbance from the application of water and water runoff (as described in Section 7.C of this EA), corresponding vegetative impacts would likely be minor.

E. Aesthetics

The crushing and screening facility would be visible and would create noise while operating at the proposed site. The closest residences to the proposed site are approximately 3000 feet away which could cause minor impact to area residents. Further, MAQP #4769-00 would include conditions to control emissions, including visible emissions, from the plant. The facility would operate on an intermittent and seasonal basis, and would be a small industrial source. Therefore, any visual aesthetic impacts would be short-lived and are expected to be minor.

F. Air Quality

Air quality impacts from the proposed project would likely be minor because the facility would be relatively small and operate on an intermittent and temporary basis. MAQP #4769-00 includes conditions limiting the facility's opacity; require water and water spray bars be available on site and used to ensure compliance with opacity standards; and limit the facility's crushing production.

Further, the Department determined that this facility would be a minor source of emissions as defined under the Title V Operating Permit Program because the source's potential to emit is below the major source threshold. Pollutant deposition from the facility would expect to be minimal because the pollutants emitted are widely dispersed (from factors such as wind speed and wind direction) and exhibit minimal deposition on the surrounding area. Therefore, air quality impacts from operating the crushing facility in this area would be expected to be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

In an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources in the initial proposed area of operation (Section 14, Township 24 North, Range 59 East in Richland County, Montana) the Department contacted the Natural Resource Information System – Montana Natural Heritage Program. Search results concluded there is a single species of concern within the area. The search area, in this case, is defined by the section, township, and range of the proposed site, with an additional one (1) mile buffer. The known species of concern is limited to a single vertebrate animal; the Whooping Crane.

While this species may be found within the search area, the Whooping Crane may have many miles of potential habitat. Specific effects of operating the crushing facility in this area would be minor since the facility is relatively small in size. In addition the source will have only seasonal and intermittent operations in the area. Therefore, the Department determined that any effects upon these species would likely be minor and short-lived.

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

Due to the relatively small size of the project, only small demands on environmental resources would likely be required for proper operation. Only small quantities of water are required for dust suppression of particulate emissions being generated at the site. In addition, impacts to air resources would be expected to be minor because the source would be considered a minor industrial source of emissions, with intermittent and seasonal operations, and because air pollutants generated by the facility would be widely dispersed as described in Section 7.F of this EA. Energy requirements would also be small, as the diesel engine would use small amounts of fuel. Overall, any impacts to water, air, and energy resources would likely 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 initial location of the facility. Search results concluded that there were no previously recorded historical or archaeological resources of concern within the area surrounding proposed for initial operations. According to correspondence from the Montana State Historic Preservation Office, there would be a low likelihood of adverse disturbance to any unknown archaeological or historic site given previous industrial disturbance to an area. Therefore, no impacts upon historical or archaeological sites would be expected as a result of operating the proposed crushing/screening plant.

#### J. Cumulative and Secondary Impacts

The operation of the crushing facility would likely cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would be limited in the amount of emissions allowed to be released to the atmosphere. Emissions and noise generated from the equipment would likely result in only minor impacts to the area of operations because the operation of the crushing facility would be seasonal and temporary. The proposed project would be short-term in nature, and likely have minor cumulative effects upon resources within the area. These resources include water, terrestrial and aquatic life, soils, and vegetation. Overall, cumulative and secondary impacts to the physical and biological aspects of the human environment would likely be minor.

8. The following table summarizes the potential economic and social effects of the proposed project on the human environment. The “no-action” alternative was discussed previously.

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

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

A. Social Structures and Mores

The operation of the crushing facility would expect to cause no disruption to the social structures and mores in the area because the source would be a minor industrial source of emissions and would only have temporary and intermittent operations. Further, the facility would be required to operate according to the conditions that would be placed in MAQP #4769-00, which would limit the effects to social structures and mores.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of this area would not likely be impacted by the operation of the proposed crushing facility because the facility is a portable source, with seasonal and intermittent operations. Therefore, there would not be any impacts expected to the cultural uniqueness and diversity of this.

C. Local and State Tax Base and Tax Revenue

The operation of the crushing facility would likely have little, if any, impact on the local and state tax base and tax revenue because the facility would be a minor industrial source of emissions and would have seasonal and intermittent operations. The facility would require approximately five employees. Thus, only minor impacts to the local and state tax base and revenue would be expected from the employees and facility production. Furthermore, the impacts to local tax base and revenue would expect to be minor because the source would be portable and the money generated for taxes would be widespread.

D. Agricultural or Industrial Production

The operation of the crushing facility would have only a minor impact on local industrial production since the facility would be a minor source of air emissions. Because minimal deposition of air pollutants would occur on the surrounding land (as described in Section 7.F of this EA), only minor and temporary effects on the surrounding vegetation (i.e. agricultural production) would occur. In addition, the facility operations would be small and temporary in nature and would be permitted with operational conditions and limitations that would minimize impacts upon surrounding vegetation, as described in Section 7.D of this EA.

E. Human Health

MAQP #4769-00 would incorporate conditions to ensure that the crushing/screening facility would operate in compliance with all applicable air quality rules and standards. These rules and standards are designed to be protective of human health. As described in Section 7.F. of this EA, the air emissions from this facility would be minimized by the use of water spray and other operational limits that would be required by MAQP #4769-00. Also, the facility would be operating on a temporary basis and pollutants would disperse at this site (see Section 7.F of this EA). Therefore, only minor impacts would be expected on human health from the proposed project.

F. Access to and Quality of Recreational and Wilderness Activities

Based on information received from FNF, no recreational activities or wilderness areas are near the proposed project site would likely be affected. Therefore, no impacts to the access to and quality of recreational and wilderness activities would be expected.

G. Quantity and Distribution of Employment

The portable crushing/screening operation would only require a limited work force to operate and would have seasonal and intermittent operations. No individuals would be expected to permanently relocate to this area of operation as a result of operating the crushing/screening facility. Therefore, no effects upon the quantity and distribution of employment in this area would be expected.

H. Distribution of Population

The portable crushing/screening operation is a portable industrial facility that would only require a limited number of employees. No individuals would be expected to permanently relocate to this area as a result of operating the crushing/screening facility. Therefore, the crushing/screening facility would not likely impact the normal population distribution in the initial area of operation or any future operating site.

I. Demands of Government Services

Minor increases may be seen in traffic on existing roadways in the area while the crushing/screening facility is being operated. In addition, government services would be required for acquiring the appropriate permits for the proposed project and to verify compliance with the permits that would be issued. However, demands for government services would be expected to be minor.

J. Industrial and Commercial Activity

The operation of the crushing facility would represent only a minor increase in the industrial activity in the proposed area of operation because the source would be a relatively small industrial source that would be portable and temporary in nature. Therefore, only limited additional industrial or commercial activity would be expected as a result of the proposed operation.

K. Locally Adopted Environmental Plans and Goals

FNF would be allowed, by MAQP #4769-00, to operate in areas designated by Environmental Protection Agency as attainment or unclassified for ambient air quality. MAQP #4769-00 contains operational restrictions for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards, as a locally adopted environmental plan or goal for operating at this proposed site. Because the proposed crushing/screening facility would be a portable source and would likely have intermittent and seasonal operations, any impacts from the project would be expected to be minor and short-lived.

L. Cumulative and Secondary Impacts

The operation of the facility would cause only minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area of operation because the source would be a portable and temporary source. Minor increases in traffic would have minor effects on local traffic in the immediate area. Because the source is relatively small and temporary, only minor economic impacts to the local economy would be expected from operating the facility. Further, this facility may be operated in conjunction with other equipment owned and operated by FNF, but any cumulative impacts upon the social and economic aspects of the human environment would likely be minor and short-lived. Thus, only minor and temporary cumulative effects would be expected to the local economy.

*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 the operation of a portable non-metallic mineral processing facility; MAQP #4769-00 provides conditions and limitations to ensure the facility would operate in compliance with all applicable rules and regulations. In addition, there are no significant impacts associated with this proposal.

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

*Individuals or groups contributing to this EA:* Department of Environmental Quality – Air Resources Management Bureau, Montana Historical Society – State Historic Preservation Office, Natural Resource Information System – Montana Natural Heritage Program

EA prepared by: C. Henrikson  
Date: July 6, 2012