

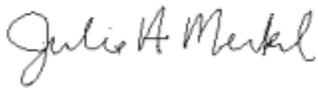
June 15, 2017

Ray Halsey
CMG JL, LLC
6611 Trade Center Ave.
Billings, MT 59107

Dear Mr. Halsey:

Montana Air Quality Permit #4973-01 is deemed final as of June 15, 2017, by the Department of Environmental Quality (Department). This permit is for a portable crushing and screening operation. 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 A. Merkel
Permitting Services Section Supervisor
Air Quality Bureau
(406) 444-3626



Shawn Juers
Environmental Engineer
Air Quality Bureau
(406) 444-2049

JM:SJ
Enclosure

Montana Department of Environmental Quality
Air, Energy, & Mining Division

Montana Air Quality Permit #4973-01

CMG JL, LLC
6611 Trade Center Ave.
Billings, MT 59107

June 15, 2017



MONTANA AIR QUALITY PERMIT

Issued To: CMG JL, LLC
6611 Trade Center Ave.
Billings, MT 59107

MAQP: #4973-01
Administrative Amendment (AA)
Request Received: 5/16/2017
Department's Decision Issued: 5/30/2017
Permit Final: 6/15/2017
Permit #: 777-4973

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to CMG JL, LLC (CMG JL) 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. Plant Location

CMG JL operates a portable crusher and screen operation which will initially be located at Section 8 Township 1 North Range 27 East, Yellowstone County, Montana. However, MAQP #4973-01 applies while operating at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 km of certain PM₁₀ nonattainment areas.

B. Current Permit Action

On May 16, 2017, the Department received a transfer of ownership request to update the company name associated with this equipment. The equipment is transferred from Johnson Lane Enterprises, Inc. to CMG JL LLC. This permit action updates the company name and associated address in accord with transfer of permit provisions of ARM 17.8.765(2) and administrative amendment provisions of ARM 17.8.764.

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) 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 (such as screens and conveyors) shall not exhibit an opacity in excess of the following averaged over six consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO):
 - For equipment that commence construction, modification, or reconstruction on or after April 22, 2008: 7% opacity
 - For equipment that commence 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 17.8.752).
5. CMG JL 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. CMG JL 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. CMG JL shall not operate more than one crusher at any given time and the total combined maximum rated design capacity of the crusher shall not exceed 400 tons per hour (tph) (ARM 17.8.749).
8. CMG JL shall not operate more than one screen at any given time and the maximum rated design capacity of the screen shall not exceed 600 tph (ARM 17.8.749).
9. CMG JL shall not operate or have on-site more than two diesel engines. Combined maximum rated design capacity of the diesel-fired engines shall not exceed 194 hp (ARM 17.8.749).
10. If the permitted equipment is used in conjunction with any other equipment owned or operated by CMG JL at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.749).
11. CMG JL shall comply with all applicable standards and limitations, monitoring, 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. CMG JL 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 Combustion 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 63, Subpart ZZZZ).

B. Testing Requirements

1. Within 60 days after achieving maximum production, but no later than 180 days after initial start-up, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures as specified in 40 CFR 60.675 must be performed on all NSPS-affected equipment to demonstrate compliance with the emission limitations contained in Section II.A.1 and II.A.2. Additional testing may be required by 40 CFR 60, Subpart OOO (ARM 17.8.340 and 40 CFR 60, Subpart OOO).
2. All compliance source tests shall conform to the requirements of 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. CMG JL 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.
3. 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).
4. CMG JL 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).

5. CMG JL shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. The records compiled in accordance with this permit shall be maintained by CMG JL 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).

Section III: General Conditions

- A. Inspection – CMG JL 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 emissions monitoring system (CEMS) or 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 CMG JL fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving CMG JL 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 action 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 therefor, 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 the Department 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 CMG JL 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. CMG JL 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
CMG JL, LLC (CMG JL)
MAQP #4973-01

I. Introduction/Process Description

CMG JL owns and operates a portable non-metallic mineral processing plant.

A. Permitted Equipment

The following list of permitted equipment is based on information provided within the application submitted by CMG JL and is provided for reference. MAQP #4973-01 is written de minimis-friendly to provide operational flexibility 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:

- Crushing Unit with a maximum 400 tons per hour (tph) rating. The permit application stated that this track-mounted crusher includes a 300-horsepower (hp) diesel engine. The Department of Environmental Quality (Department) determined that this engine is excluded from permitting requirements based on Administrative Rules of Montana (ARM) 17.8.744(1)(b) Montana Air Quality Permits – General Exclusions as the power source for a self-propelled vehicle.
- Three Conveyers with a maximum 700 tph rating each.
- Screening Plant with a maximum 600 tph rating.
- Two Diesel-Fired Engines (194 hp combined capacity). A 66-hp engine powers a stacking conveyor and 128-hp engine powers the screening plant.

B. Source Description

The crushing/screening plant is used to crush and sort gravel/sand materials for use in various construction activities. For a typical operational setup, the raw materials will initially be sent through a primary crusher and then through a series of secondary crushers and/or screens for sorting or processing to the desire dimension and, ultimately, to a stockpile for use in construction operations.

CMG JL will be initially located within Section 8, Township 1 North, Range 27 East, Yellowstone County, Montana.

C. Permit History

On October 24, 2013, the Department received a complete application for Johnson Lane Enterprises, Inc. to operated portable crushing and screening equipment consisting of a 400 tph crusher, three (3) conveyors with a maximum 700 tph rating

each, a 600 tph screening plant, and two diesel fired engines with a combined capacity of 194 hp. **MAQP #4973-00** was issued final December 27, 2013.

D. Current Permit Action

On May 16, 2017, the Department received a transfer of ownership request to update the company name associated with this equipment. The equipment is transferred from Johnson Lane Enterprises, Inc. to CMG JL LLC. This permit action updates the company name and associated address in accord with transfer of permit provisions of ARM 17.8.765(2) and administrative amendment provisions of ARM 17.8.764. **MAQP #4973-01** replaces MAQP #4973-00.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT)/Reasonably Available Control Technology (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 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 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).

CMG JL 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
3. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
4. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
5. ARM 17.8.213 Ambient Air Quality Standard for Ozone
6. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
7. ARM 17.8.221 Ambient Air Quality Standard for Visibility
8. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀

CMG JL 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 be taken to control emissions of airborne particulate matter. (2) Under this rule, CMG JL shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.
4. ARM 17.8.310 Particulate Matter, Industrial Processes. This rule requires that no person shall cause 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 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 and Emission Guidelines for Existing Sources. This rule incorporates, by reference, 40 Code of Federal Regulations (CFR) Part 60, Standards of Performance for New Stationary Sources (NSPS). CMG JL is considered an NSPS affected facility under 40 CFR Part 60 and is subject to the requirements of the following subparts.
 - 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 plant to be subject to this subpart, the facility must meet the definition of an affected facility and, the affected equipment must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by CMG JL, the portable crushing equipment to be used under MAQP #4973-01 is subject to this subpart as it meets the definition of an affected facility constructed after August 31, 1983.
 - c. 40 CFR 60, Subpart IIII – 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, or are manufactured as a certified National Fire Protection Association (NFPA) fire pump engine after July 1, 2006; owners and operators of any stationary CI ICE that are modified or reconstructed after July 11, 2005 and any person that modifies or reconstructs any stationary CI ICE after July 11, 2005 are potentially considered subject to this subpart. The provisions of §60.4208 of this subpart are applicable to all owners and operators of stationary CI ICE that commence construction after July 11, 2005.

Stationary CI ICE may be eligible for exemption from the requirements of this subpart as described in 40 CFR part 1068, subpart C (or the exemptions described in 40 CFR part 89, subpart J and 40 CFR part 94, subpart J, for engines that would need to be certified to standards in those parts).

Owners and operators of facilities with CI ICE that are acting as temporary replacement units and that are located at a stationary source for less than 1 year and that have been properly certified as meeting the standards that

would be applicable to such engine under the appropriate nonroad engine provisions, are not required to meet any other provisions under this subpart with regard to such engines.

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. CMG JL is potentially a NESHAP-affected facility under 40 CFR Part 63 and is subject to the requirements of the following subparts.
 - 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 (HAPs) for Stationary Reciprocating Internal Combustion Engines (RICE) applies to an owner or operator of any stationary RICE, except if the stationary RICE is being tested at a stationary RICE test cell/stand. Therefore, if CMG JL operates an engine in a manner which meets the definition of stationary RICE, this subpart would be 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 air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. The current action is an administrative action; therefore, no permit application fee was required.
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.

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, crusher or screen that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. CMG JL has a PTE greater than 15 tons per year of oxides of nitrogen (NO_x) and particulate matter (PM); 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. A permit application was not required for the current permit action because the permit change is considered an administrative permit change. (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. The current permit action is an administrative amendment to reflect a change in ownership. Therefore, no public notice was required.
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 CMG JL 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 Modifications-- Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the 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 tons per year 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 tons/year of any pollutant;
 - b. PTE > 10 tons/year of any one hazardous air pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule; or
 - c. PTE > 70 tons/year of particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing MAQP #4973-01 for CMG JL, the following conclusions were made:
 - a. The facility's PTE is less than 100 tons/year for any pollutant.
 - b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.
 - c. This source is not located in a serious PM₁₀ nonattainment area.
 - d. This facility is subject to current NSPS (40 CFR 60, Subpart OOO and potentially subject to Subpart IIII).
 - e. This facility is potentially subject to current NESHAP (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 CMG JL 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, CMG JL will be required to obtain a Title V Operating Permit.

III. BACT Determination

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

The current action updates the permit to reflect the transfer of ownership for this facility. As such, a BACT analysis was not required for the current permit action because the current permit action is considered an administrative amendment.

IV. Emission Inventory

Emission Source	Emissions Tons/Year [PTE]						
	PM	PM ₁₀	PM _{2.5}	NO _x	CO	VOC	SO ₂
Handling/Conveyors	2.21	0.73	0.20	--	--	--	--
Storage Piles	5.12	2.41	0.37	--	--	--	--
Screening	5.78	1.94	0.13	--	--	--	--
Crushing	2.10	0.95	0.18	--	--	--	--
Bulk Loading	0.11	0.11	0.11	--	--	--	--
Haul Roads / Vehicle Traffic	4.36	1.20	0.12	--	--	--	--
194 hp Diesel Engines (up to two engines)	4.76	4.76	4.76	26.34	14.45	5.44	4.44
Total Emissions	26.02	10.41	2.97	26.34	5.68	2.14	1.74
<i>Inventory reflects maximum allowable emissions for all pollutants based on maximum production and year-round operation (8,760 hours). The facility did not take limits on production or hours of operation</i>							
<i>PTE = Potential to Emit CO = carbon monoxide hp = horsepower NO_x = oxides of nitrogen PM = particulate matter</i>		<i>PM₁₀ = particulate matter with an aerodynamic diameter of 10 microns or less PM_{2.5} = particulate matter with an aerodynamic diameter of 2.5 microns or less SO_x = oxides of sulfur TPY = tons per year VOC = volatile organic compounds</i>					

Handling/Conveyors

Maximum Process Rate = 600 ton/hr (Maximum plant process rate)	600	ton/hr
Maximum Hours of Operation = 8,760 hrs/yr	8,760	hrs/yr
Number of Transfers = 6 transfers (Company Information)	6	transfers

Total PM Emissions:

Emission Factor = 0.00014 lb/ton (0.0030 uncontrolled, 0.00014 controlled, AP 42, Table 11.19.2-2, 8/04)	0.00014	lb/ton
Control Efficiency = 0% (Control Efficiency is accounted for in the emission factor)	0	%
Calculation: (600 ton/hr) * (8760 hrs/yr) * (0.00014 lb/ton) * (ton/2000 lb) * (6 transfer) =	2.21	ton/yr

Total PM_{2.5} Emissions:

Emission Factor = 0.000013 lb/ton (0.0030 uncontrolled, 0.000013 controlled, AP 42, Table 11.19.2-2, 8/04)	0.000013	lb/ton
Control Efficiency = 0% (Control Efficiency is accounted for in the emission factor)	0	%
Calculation: (600 ton/hr) * (8760 hrs/yr) * (0.000013 lb/ton) * (ton/2000 lb) * (6 transfer) =	0.20	ton/yr

Total PM₁₀ Emissions:

Emission Factor = 0.000046 lb/ton (0.00110 uncontrolled, 0.000046 controlled, AP 42, Table 11.19.2-2, 8/04)	0.000046	lb/ton
Control Efficiency = 0% (Control Efficiency is accounted for in the emission factor)	0	%

Calculation: $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.000046 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (6 \text{ transfer}) =$ **0.73** ton/yr

Storage Piles

Maximum Process Rate = 600 ton/hr (Maximum plant process rate) 600 ton/hr
 Maximum Hours of Operation = 8,760 hrs/yr 8,760 hrs/yr
 Number of Piles = 1 piles by # of piles, or exclude #piles from calcs 1 pile

PM Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.
 Emission Factor = $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00390 \text{ lb/ton}$ 0.00390 lb/ton
 Where: k = particle size multiplier = 0.74 (Value for PM < 30 microns per AP 42, Sec. 13.2.4.3, 11/06) 0.74
 U = mean wind speed = 9.33 mph (Average from values provided in FAA ASOS/AWOS reporting data) 9.33 mph
 M = material moisture content = 2.5% (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06) 2.5 %
 Control Efficiency = 50% (Water or chemical spray) 50 %
 Calculation: $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00390 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ pile}) =$ **10.25** ton/yr
 Calculation: $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00390 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ pile}) * (1 - 50/100) =$ **5.12** ton/yr

PM_{2.5} Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.
 Emission Factor = $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00028 \text{ lb/ton}$ 0.00028 lb/ton
 Where: k = particle size multiplier = 0.053 (Value for PM < 10 microns per AP 42, Sec. 13.2.4.3, 11/06) 0.053
 U = mean wind speed = 9.3 mph (Average from values provided in FAA ASOS/AWOS reporting data) 9.3 mph
 M = material moisture content = 2.5% (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06) 2.5 %
 Control Efficiency = 50% (Water or chemical spray) 50 %
 Calculation: $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00028 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ pile}) =$ **0.73** ton/yr
 Calculation: $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00028 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ pile}) * (1 - 50/100) =$ **0.37** ton/yr

PM₁₀ Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.
 Emission Factor = $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00184 \text{ lb/ton}$ 0.00184 lb/ton
 Where: k = particle size multiplier = 0.35 (Value for PM < 10 microns per AP 42, Sec. 13.2.4.3, 11/06) 0.35
 U = mean wind speed = 9.3 mph (Average from values provided in FAA ASOS/AWOS reporting data) 9.3 mph
 M = material moisture content = 2.5% (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06) 2.5 %
 Control Efficiency = 50% (Water or chemical spray) 50 %
 Calculation: $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00184 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ pile}) =$ **4.83** ton/yr
 Calculation: $(600 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00184 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ pile}) * (1 - 50/100) =$ **2.41** ton/yr

Screening

Maximum Process Rate = 600 ton/hr 600 ton/hr
 Maximum Hours of Operation = 8,760 hrs/yr 8,760 hrs/yr
 Number of Screens = 1 screen (Company Information) 1 screen

Total PM Emissions:

Emission Factor = 0.0022 lb/ton (0.025 uncontrolled, 0.0022 controlled, AP 42, Table 11.19.2-2, 8/04) 0.0022 lb/ton
 Control Efficiency = 0% (Control Efficiency is accounted for in the emission factor) 0 %
 Calculation: (600 ton/hr) * (8760 hrs/yr) * (0.0022 lb/ton) * (ton/2000 lb) * (1 screen) = **5.78** ton/yr

Total PM₁₀ Emissions:

Emission Factor = 0.00074 lb/ton (0.0087 uncontrolled, 0.00074 controlled, AP 42, Table 11.19.2-2, 8/04) 0.00074 lb/ton
 Control Efficiency = 0% (Control Efficiency is accounted for in the emission factor) 0 %
 Calculation: (600 ton/hr) * (8760 hrs/yr) * (0.00074 lb/ton) * (ton/2000 lb) * (1 screen) = **1.94** ton/yr

Total PM_{2.5} Emissions:

Emission Factor = 0.00005 lb/ton (0.0087 uncontrolled, 0.00074 controlled, AP 42, Table 11.19.2-2, 8/04) 0.00005 lb/ton
 Control Efficiency = 0% (Control Efficiency is accounted for in the emission factor) 0 %
 Calculation: (600 ton/hr) * (8760 hrs/yr) * (0.00005 lb/ton) * (ton/2000 lb) * (1 screen) = **0.13** ton/yr

Crushing

Maximum Process Rate = 400 ton/hr (Application information) 400 ton/hr
 Maximum Hours of Operation = 8,760 hrs/yr 8,760 hrs/yr

PM Emissions:

Emission Factor = 0.0012 lb/ton (tertiary crushing, controlled, AP 42, Table 11.19.2-2, 8/04) 0.0012 lb/ton
 Calculation: (400 ton/hr) * (8760 hrs/yr) * (0.0012 lb/ton) * (ton/2000 lb) = **2.10** ton/yr
 Calculation: (400 ton/hr) * (8760 hrs/yr) * (0.0012 lb/ton) * (ton/2000 lb) = **2.10** ton/yr

PM₁₀ Emissions:

Emission Factor = 0.00054 lb/ton (tertiary crushing, controlled, AP 42, Table 11.19.2-2, 8/04) 0.00054 lb/ton
 Calculation: (400 ton/hr) * (8760 hrs/yr) * (0.00054 lb/ton) * (ton/2000 lb) = **0.95** ton/yr
 Calculation: (400 ton/hr) * (8760 hrs/yr) * (0.00054 lb/ton) * (ton/2000 lb) = **0.95** ton/yr

PM_{2.5} Emissions:

Based on AP-42
 Emission Factor = 0.0001 lb/ton (tertiary crushing, controlled, AP 42, Table 11.19.2-2, 8/04) 0.0001 lb/ton
 Calculation: (400 ton/hr) * (8760 hrs/yr) * (0.0001 lb/ton) * (ton/2000 lb) = **0.18** ton/yr
 Calculation: (400 ton/hr) * (8760 hrs/yr) * (0.0001 lb/ton) * (ton/2000 lb) = **0.18** ton/yr

Truck loading

Maximum Process Rate = 600 ton/hr (Maximum plant process rate) 600 ton/hr
 Maximum Hours of Operation = 8,760 hrs/yr 8,760 hrs/yr
 Number of Piles = 1 load 1 load

PM Emissions: (assume PM Emissions = PM₁₀ Emissions = PM_{2.5})

Emission Factor = 0.00008 lb/ton 0.00008 lb/ton
 Control Efficiency = 50% (Water spray) 50 %
 Calculation: (600 ton/hr) * (0.00008 lb/ton) * (ton/2000 lb) * (8760 hrs/yr) = **0.2102** ton/yr
 Calculation: (600 ton/hr) * (0.00008 lb/ton) * (ton/2000 lb) * (8760 hrs/yr) * (1 - 50/100) = **0.11** ton/yr

PM₁₀ Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 11.19.2-2, 8/04.
 Emission Factor = 0.00008 lb/ton 0.00008 lb/ton

Control Efficiency = 50% (Water spray)	50	%
Calculation: $(600 \text{ ton/hr}) * (0.00008 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (8760 \text{ hrs/yr}) =$	0.0000	ton/yr
Calculation: $(600 \text{ ton/hr}) * (0.00008 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (8760 \text{ hrs/yr}) * (1 - 50/100) =$	0.11	ton/yr

PM₁₀ Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 11.19.2-2, 8/04.		
Emission Factor = 0.00008 lb/ton	0.00008	lb/ton
Control Efficiency = 50% (Water spray)	50	%
Calculation: $(600 \text{ ton/hr}) * (0.00008 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (8760 \text{ hrs/yr}) =$	0.0000	ton/yr
Calculation: $(600 \text{ ton/hr}) * (0.00008 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (8760 \text{ hrs/yr}) * (1 - 50/100) =$	0.11	ton/yr

Haul Roads

VMT per hour = $(5 \text{ VMT/day}) * (\text{day}/24 \text{ hrs}) = 0.21 \text{ VMT/hr}$	0.21	VMT/hr
Hours of Operation = 8,760 hrs/yr	8,760	
	0	hrs/yr

PM Emissions:

Predictive equation for emission factor for unpaved roads at industrial sites provided per AP 42, Ch. 13.2.2, 11/06.		
Emission Factor = $k * (s / 12)^a * (W / 3)^b = 9.56 \text{ lb/VMT}$	9.56	lb/VMT
Where: k = constant = 4.9 lbs/VMT (Value for PM ₃₀ /TSP, AP 42, Table 13.2.2-2, 11/06)	4.9	lbs/VMT
s = surface silt content = 7.1 % (Mean value, sand/gravel processing, material storage area, AP 42, Table 13.2.2-1, 11/06)	7.1	%
W = mean vehicle weight = 30 tons (U.S. Dept. of Transportation Comprehensive Truck Size and Weight Study, page II-3 and Table III-4, max. 30 tons)	30	tons
a = constant = 0.7 (Value for PM ₃₀ /TSP, AP 42, Table 13.2.2-2, 11/06)	0.7	
b = constant = 0.45 (Value for PM ₃₀ /TSP, AP 42, Table 13.2.2-2, 11/06)	0.45	
Control Efficiency = 50% (Water spray or chemical dust suppressant)	50	%
Calculation: $(8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (9.56 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) =$	8.73	tons/yr
Calculation: $(8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (9.56 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) * (1-50/100) =$	4.36	tons/yr

PM₁₀ Emissions:

Predictive equation for emission factor for unpaved roads at industrial sites provided per AP 42, Ch. 13.2.2, 11/06.		
Emission Factor = $k * (s / 12)^a * (W / 3)^b = 2.64 \text{ lb/VMT}$	2.64	lb/VMT
Where: k = constant = 1.5 lbs/VMT (Value for PM ₁₀ , AP 42, Table 13.2.2-2, 11/06)	1.5	lbs/VMT
s = surface silt content = 7.1 % (Mean value, sand/gravel processing, material storage area, AP 42, Table 13.2.2-1, 11/06)	7.1	%
W = mean vehicle weight = 30 tons (U.S. Dept. of Transportation Comprehensive Truck Size and Weight Study, page II-3 and Table III-4, max. 30 tons)	30	tons
a = constant = 0.9 (Value for PM ₁₀ , AP 42, Table 13.2.2-2, 11/06)	0.9	
b = constant = 0.45 (Value for PM ₁₀ , AP 42, Table 13.2.2-2, 11/06)	0.45	
Control Efficiency = 50% (Water spray or chemical dust suppressant)	50	%
Calculation: $(8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (2.64 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) =$	2.41	tons/yr
Calculation: $(8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (2.64 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) * (1-50/100) =$	1.20	tons/yr

PM_{2.5} Emissions:

Predictive equation for emission factor for unpaved roads at industrial sites provided per AP 42, Ch. 13.2.2, 11/06.		
Emission Factor = $k * (s / 12)^a * (W / 3)^b = 0.26 \text{ lb/VMT}$	0.26	lb/VMT
Where: k = constant = 0.15 lbs/VMT (Value for PM ₁₀ , AP 42, Table 13.2.2-2, 11/06)	0.15	lbs/VMT
s = surface silt content = 7.1 % (Mean value, sand/gravel processing, material storage area, AP 42, Table 13.2.2-1, 11/06)	7.1	%

W = mean vehicle weight = 30 tons (U.S. Dept. of Transportation Comprehensive Truck Size and Weight Study, page II-3 and Table III-4, max. 30 tons)	30	tons
a = constant = 0.9 (Value for PM10, AP 42, Table 13.2.2-2, 11/06)	0.9	
b = constant = 0.45 (Value for PM10, AP 42, Table 13.2.2-2, 11/06)	0.45	
Control Efficiency = 50% (Water spray or chemical dust suppressant)	50	%
Calculation: (8760 hrs/yr) * (0.21 VMT/hr) * (0.26 lb/VMT) * (ton/2000 lb) =	0.24	tons/yr
Calculation: (8760 hrs/yr) * (0.21 VMT/hr) * (0.26 lb/VMT) * (ton/2000 lb) * (1-50/100) =	0.12	tons/yr

Diesel Engines (up to 2 engines)

Operational Capacity of Engine = 194 hp	194.00	hp
Hours of Operation = 8,760 hours	8,760	hours

PM = PM₁₀ = PM_{2.5} Emissions (all PM < 1um in size):

PM Emissions = 1.87 ton/yr (Assume PM = PM10 = PM2.5)	1.87	ton/yr
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PM₁₀ Emissions:

Emission Factor = 0.0022 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)	2.20E-03	lbs/hp-hr
Calculation: (8,760 hours) * (194 hp) * (0.0022 lbs/hp-hr) * (ton/2000 lb) = 1.87 ton/yr	1.87	ton/yr

PM_{2.5} Emissions:

Emission Factor = 0.0022 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)	2.20E-03	lbs/hp-hr
Calculation: (8,760 hours) * (194 hp) * (0.0022 lbs/hp-hr) * (ton/2000 lb) = 1.87 ton/yr	1.87	ton/yr

NO_x Emissions:

Emission Factor = 0.031 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)	3.10E-02	lbs/hp-hr
Calculation: (8,760 hours) * (194 hp) * (0.031 lbs/hp-hr) * (ton/2000 lb) = 26.34 ton/yr	26.34	ton/yr

CO Emissions:

Emission Factor = 0.00668 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)	6.68E-03	lbs/hp-hr
Calculation: (8,760 hours) * (194 hp) * (0.00668 lbs/hp-hr) * (ton/2000 lb) = 5.68 ton/yr	5.68	ton/yr

VOC Emissions:

Emission Factor = 0.0025141 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, TOC, Exhaust + Crankcase, 10/96)	2.51E-03	lbs/hp-hr
Calculation: (8,760 hours) * (194 hp) * (0.0025141 lbs/hp-hr) * (ton/2000 lb) = 2.14 ton/yr	2.14	ton/yr

SO₂ Emissions:

Emission Factor = 0.00205 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)	2.05E-03	lbs/hp-hr
Calculation: (8,760 hours) * (194 hp) * (0.00205 lbs/hp-hr) * (ton/2000 lb) = 1.742 ton/yr	1.74	ton/yr

V. Existing Air Quality

This permit is for a portable facility originally located in Section 8, Township 1, Range 27 in Yellowstone County, Montana. Yellowstone County, and those areas for which this facility is permitted to operate, have been designated unclassified/attainment with all ambient air quality standards.

VI. Air Quality Impacts

This permit contains conditions and limitations that would protect air quality for the site and surrounding area. Furthermore, this facility is a portable source that would operate on an intermittent and temporary basis, so any effects to air quality will be minor and of limited duration.

VII. Ambient Air Impact Analysis

Based on the information provided and the conditions established in MAQP #4973-01, 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 of 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 was not required for this action. The current action is an administrative amendment to reflect a transfer of ownership. No emissions changes are proposed.

Analysis Prepared By: Shawn Juers

Date: 5/23/2017