

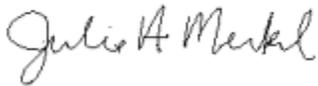
July 31, 2018

Michell Muggli  
John Muggli Contracting, LLC.  
dba Wolf Creek Scoria  
P.O. Box 67  
Miles City, MT 59301

Dear Ms. Muggli:

Montana Air Quality Permit #5207-00 is deemed final as of July 28, 2018, by the Department of Environmental Quality (Department). This permit is for a Portable Crushing Facility. 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



John P. Proulx  
Air Quality Specialist  
Air Quality Bureau  
(406) 444-5391

JM:JPP  
Enclosure

Montana Department of Environmental Quality  
Air, Energy & Mining Division

Montana Air Quality Permit #5207-00

John Muggli Contracting, LLC.  
dba Wolf Creek Scoria  
P.O. Box 67  
Miles City, MT 59301

July 28, 2018



## MONTANA AIR QUALITY PERMIT

Issued To: John Muggli Contracting, LLC  
dba Wolf Creek Scoria  
P.O. Box 67  
Miles City, MT 59301

MAQP: #5207-00  
Application Complete: 5/25/2018  
Preliminary Determination Issued: 6/22/2018  
Department's Decision Issued: 7/12/2018  
Permit Final: 7/28/2018  
AFS#: 777-5207

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to John Muggli Contracting, LLC dba Wolf Creek Scoria (JMC) 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

68 ton per hour (tph) jaw crusher  
68 tph roll crusher  
150 brake horsepower diesel-fired generator  
Associated equipment

#### B. Plant Location

JMC operates a portable crushing facility, which will initially be located at **Section 19, Township 8 North, Range 48 East**, in Custer County, Montana. However, MAQP #5207 applies while operating at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM<sub>10</sub>) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 km of certain PM<sub>10</sub> nonattainment areas.

### 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 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 17.8.749).
  5. JMC 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. JMC 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. JMC shall not operate more than 2 crusher(s) at any given time and the total combined maximum rated design capacity of the crusher(s) shall not exceed 136 tons per hour (TPH) (ARM 17.8.749).
  8. If the permitted equipment is used in conjunction with any other equipment owned or operated by JMC, 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).
  9. JMC shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart III, *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 III; 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 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. JMC 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. JMC 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. JMC shall maintain 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 JMC 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. These records may be stored at a location other than the plant site upon approval by the Department (ARM 17.8.749).

D. Notification

JMC shall provide the Department with written notification of the actual start-up date of the JMC facility postmarked within 15 days after the actual start-up date (ARM 17.8.749)

SECTION III: General Conditions

- A. Inspection – JMC 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 such as Continuous Emission Monitoring Systems (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 JMC fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving JMC 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 JMC 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. JMC 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  
John Muggli Contracting, LLC  
dba Wolf Creek Scoria  
MAQP #5207-00

I. Introduction/Process Description

John Muggli Contracting, LLC. dba Wolf Creek Scoria (JMC) owns and operates a portable crushing facility.

A. Permitted Equipment

68 ton per hour (tph) jaw crusher  
68 tph roll crusher  
150 brake horsepower diesel-fire generator  
Associated equipment

B. Source Description

JMC's initial pit is located at Section 19, Township 8 North, Range 48 East, in Custer County, (46.43389°, 105.7819°), Montana.

C. Additional Information (Changes to an existing permit)

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 Administrative Rules of Montana (ARM) and are available, upon request, from the Department of Environmental Quality (Department). Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations 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).

JMC 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 17.8.214 Ambient Air Quality Standard for Hydrogen Sulfide
7. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
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 PM<sub>10</sub>
11. ARM 17.8.230 Fluoride in Forage

JMC 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, JMC 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 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 and Emission Guidelines for Existing Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). JMC is possibly 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 CRF 60, Subpart OOO – Standards for 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. JMC may be a Subpart OOO-affected facility if they increase their production capacity to over 150 tons per hour or install any new or modified equipment listed in 40 CFR 60, Subpart OOO.
  - 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, 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. Based on the information submitted by JMC, the CI ICE equipment to be used under MAQP #5207-00 may be subject to this subpart if the CI ICE remains in a single location for one calendar year or longer.

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. JMC is possibly considered 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). An owner or operator of a stationary reciprocating internal combustion engine (RICE) at a major or area source of 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. Based on the information submitted by JMC, the RICE equipment to be used under MAQP #5207-00 may be subject to this subpart if the RICE remains in a single location for one calendar year or longer.
- 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. JMC 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. 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.  
  
JMC has a PTE greater than 15 tons per year of particulate matter (PM) and 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. JMC 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. JMC submitted an affidavit of publication of public notice for the May 14, 2018 issue of the *Miles City Star*, a newspaper of general circulation in the Town of Miles City in Custer 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 JMC 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 17.8.760 Additional Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those applications that require an environmental impact statement.
12. 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.
13. 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).
14. 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.
15. 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.
16. ARM 17.8.770 Additional Requirements for Incinerators. This rule specifies the additional information that must be submitted to the Department for incineration facilities subject to 75-2-215, Montana Code Annotated (MCA).

- 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 (PM<sub>10</sub>) in a serious PM<sub>10</sub> nonattainment area.
  2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing MAQP #5207-00 for JMC, 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 PM<sub>10</sub> nonattainment area.
    - d. This facility is potentially subject to current NSPS (40 CFR 60, Subpart A, Subpart IIII, and possibly Subpart OOO).
    - e. This facility is potentially subject to current NESHAP (40 CFR 63, Subpart A and 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 JMC 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, JMC may be required to obtain a Title V Operating Permit.

### III. BACT Determination

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

#### A. Process and Fugitive Particulate Emissions

Two types of emission controls are readily available and used for dust suppression of fugitive emissions at the site. These two control methods are water and/or chemical dust suppressant. Chemical dust suppressant could be used on the area surrounding the crushing/screening operation, and for emissions from the crushing operation itself. However, because water is more readily available, is more cost effective, is often equally effective as chemical dust suppressant, and is more environmentally friendly, 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, depending on individual site circumstances JMC may use chemical dust suppressants to assist in controlling particulate emissions.

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. 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.

#### B. Diesel Engines

Due to the limited amount of emissions produced by the diesel-fired engine and the lack of readily available cost effective post-manufacturer add-on controls, add-on controls would be cost prohibitive.

Generally, any new diesel-fired engine would likely be required to comply with the federal engine emission limitations including, for example, EPA Tier engine exhaust emission standards for non-road engines (40 CFR Part 1039) 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 engine constitutes BACT for the engine.

#### IV. Emission Inventory

<b>CONTROLLED</b> Emission Source	<b>tons/year</b>						
	<b>PM</b>	<b>PM<sub>10</sub></b>	<b>PM<sub>2.5</sub></b>	<b>NO<sub>x</sub></b>	<b>CO</b>	<b>VOC</b>	<b>SO<sub>2</sub></b>
Cold Aggregate Storage Piles	2.31	1.09	0.17	--	--	--	--
Cold Aggregate Handling/Conveyors	0.25	0.08	0.02	--	--	--	--
136 TPH Crushing Circuit	0.71	0.32	0.06	--	--	--	--
Plant Load-Out	0.47	0.24	0.04	--	--	--	--
Haul Roads / Vehicle Traffic	11.37	3.13	0.31	--	--	--	--
Diesel Generator Set (Small)	1.45	1.45	1.45	20.37	4.39	1.65	1.35
<b>Total Emissions</b>	<b>16.56</b>	<b>6.32</b>	<b>2.04</b>	<b>20.37</b>	<b>4.39</b>	<b>1.65</b>	<b>1.35</b>

#### Cold Aggregate Storage Piles

Maximum Process Rate = 136 ton/hr (Maximum plant process rate)	136	<b>ton/hr</b>
Maximum Hours of Operation = 8,760 hrs/yr	8760	<b>hrs/yr</b>
Number of Piles = 1 piles	1	<b>piles</b>

#### PM Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.

Emission Factor =  $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00388$  lb/ton 0.0039 **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 = 9.3 mph (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06) 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 **%**

Calculation:  $(136 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (1 \text{ piles}) * (\text{ton}/2000 \text{ lb}) * (0.00388216962566822 \text{ lb/ton}) = 2.31$  ton/yr 2.31 **ton/yr**

#### PM10 Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.

Emission Factor =  $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00184$  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 AP 42, Sec. 13.2.4.3, 11/06) 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 **%**

Calculation:  $(136 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (1 \text{ piles}) * (\text{ton}/2000 \text{ lb}) * (0.00183616130943767 \text{ lb/ton}) = 1.09$  ton/yr 1.09 **ton/yr**

#### PM2.5 Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.

Emission Factor =  $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00028$  lb/ton 0.000278 **lb/ton**

Where: k = particle size multiplier = 0.053 (Value for PM < 2.5 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 AP 42, Sec. 13.2.4.3, 11/06) 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 **%**

Calculation:  $(136 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (1 \text{ piles}) * (\text{ton}/2000 \text{ lb}) * (0.000278047284000562 \text{ lb/ton}) = 0.17$  ton/yr 0.17 **ton/yr**

### Cold Aggregate Storage Piles

Maximum Process Rate = 136 ton/hr (Maximum plant process rate)	136	ton/hr
Maximum Hours of Operation = 8,760 hrs/yr	8760	hrs/yr
Number of Piles = 1 piles	1	piles

#### PM Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.

Emission Factor = $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00388$ lb/ton	0.0039	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 = 9.3 mph (Average from values provided in AP 42, Sec. 13.2.4.3, 11/06)	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	%
Calculation: $(136 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (1 \text{ piles}) * (\text{ton}/2000 \text{ lb}) * (0.00388216962566822 \text{ lb/ton}) = 2.31$ ton/yr	2.31	ton/yr

#### PM10 Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.

Emission Factor = $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00184$ 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 AP 42, Sec. 13.2.4.3, 11/06)	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	%
Calculation: $(136 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (1 \text{ piles}) * (\text{ton}/2000 \text{ lb}) * (0.00183616130943767 \text{ lb/ton}) = 1.09$ ton/yr	1.09	ton/yr

#### PM2.5 Emissions:

Predictive equation for emission factor provided per AP 42, Sec. 13.2.4.3, 11/06.

Emission Factor = $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00028$ lb/ton	0.00028	lb/ton
--	---------	--------

Where: k = particle size multiplier = 0.053 (Value for PM < 2.5 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 AP 42, Sec. 13.2.4.3, 11/06)	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	%
Calculation: $(136 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (1 \text{ piles}) * (\text{ton}/2000 \text{ lb}) * (0.000278047284000562 \text{ lb/ton}) = 0.17$ ton/yr	0.17	ton/yr

### Conveyor Transfer Point (SCC 3-05-020-06)

Maximum Process Rate = 136 ton/hr (Maximum plant process rate)	136	ton/hr
Maximum Hours of Operation = 8,760 hrs/yr	8760	hrs/yr
Number of Transfers = 3 transfer (Company Information)	3	transfer

#### Total PM Emissions:

Emission Factor = 0.00014 lb/ton (0.00014 controlled, AP 42, Table 11.19.2-2, 8/04)	0.00014	lb/ton
Calculation: $(136 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (3 \text{ transfer}) * (\text{ton}/2000 \text{ lb}) * (0.00014 \text{ lb/ton}) = 0.25$ ton/yr	0.25	ton/yr

#### Total PM10 Emissions:

Emission Factor = 0.000046 lb/ton (0.000046 controlled, AP 42, Table 11.19.2-2, 8/04)	0.000046	lb/ton
Calculation: $(136 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (3 \text{ transfer}) * (\text{ton}/2000 \text{ lb}) * (0.00014 \text{ lb/ton}) = 0.08$ ton/yr	0.08	ton/yr

#### Total PM2.5 Emissions

Emission Factor = 0.000013 lb/ton (0.000013 controlled, AP 42, Table 11.19.2-2, 8/04)	0.000013	lb/ton
Calculation: $(136 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (3 \text{ transfer}) * (\text{ton}/2000 \text{ lb}) * (0.00014 \text{ lb/ton}) = 0.02$ ton/yr	0.02	ton/yr

**Crushing Circuit (SCC 3-05-020-05)**

Maximum Process Rate = 136 ton/hr (Application information)	136	<b>ton/hr</b>
Maximum Hours of Operation = 8,760 hrs/yr	8760	<b>hrs/yr</b>

## PM Emissions:

Based on AP-42

Emission Factor = 0.0012 lb/ton (crushing, AP 42, Table 11.19.2-2, 8/04)	0.0012	<b>lb/ton</b>
Calculation: (136 ton/hr) * (8760 ton/hr) * (0.0012 lb/ton) * (ton/2000 lb) = 0.71 ton/yr	0.71	<b>ton/yr</b>

## PM10 Emissions:

Based on AP-42

Emission Factor = 0.00054 lb/ton (crushing, AP 42, Table 11.19.2-2, 8/04)	0.00054	<b>lb/ton</b>
Calculation: (0) * ( ) * (0.00054 lb/ton) * (ton/2000 lb) = 0.32 ton/yr	0.32	<b>ton/yr</b>

## PM2.5 Emissions

Emission Factor = 0.0001 lb/ton (crushing, AP 42, Table 11.19.2-2, 8/04)	0.0001	<b>lb/ton</b>
Calculation: (136 ton/hr) * (8760 ton/hr) * (0.0001 lb/ton) * (ton/2000 lb) = 0.06 ton/yr	0.06	<b>ton/yr</b>

**Truck Unloading (SCC 3-05-020-31)**

Maximum Process Rate = 136 ton/hr (Maximum plant process rate)	136	<b>ton/hr</b>
Maximum Hours of Operation = 8,760 hrs/yr	8760	<b>hrs/yr</b>
Number of loads = 25 loads (Estimate)	25	<b>loads</b>

## Total PM Emissions:

Emission Factor = 0.0000314 lb/ton (PM=PM10 / 51%, AP-42, Appendix B.2, Table B.2.2, Category 3, 9/90)	0.0000314	<b>lb/ton</b>
Calculation: (136 ton/hr) * (8760 hrs/yr) * (0.0000314 lb/ton) * (ton/2000 lb) * (25 loads) = 0.47 ton/yr	0.47	<b>ton/yr</b>

## Total PM10 Emissions:

Emission Factor = 0.000016 lb/ton (PM10=1.6E-05, AP 42, Table 11.19.2-2, 8/04)	0.000016	<b>lb/ton</b>
Calculation: (136 ton/hr) * (8760 hrs/yr) * (0.000016 lb/ton) * (ton/2000 lb) * (25 loads) = 0.24 ton/yr	0.24	<b>ton/yr</b>

## Total PM2.5 Emissions:

Emission Factor = 0.0000024 lb/ton (PM2.5=1.6E-05 * 15%, AP-42, Appendix B.2, Table B.2.2, Category 3, 9/90)	0.0000024	<b>lb/ton</b>
Calculation: (136 ton/hr) * (8760 hrs/yr) * (0.0000024 lb/ton) * (ton/2000 lb) * (25 loads) = 0.04 ton/yr	0.04	<b>ton/yr</b>

**Haul Roads**

Vehicle Miles Traveled (VMT) per Day = 5 VMT/day (Estimate)	5	<b>VMT/day</b>
VMT per hour = (5 VMT/day) * (day/24 hrs) = 0.21 VMT/hr	0.2083333	<b>VMT/hr</b>
Hours of Operation = 8,760 hrs/yr	8760	<b>hrs/yr</b>

## 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 = $k * (s / 12)^a * (W / 3)^b = 12.46$ lb/VMT	12.46	<b>lb/VMT</b>
---	-------	---------------

Where: k = constant = 4.9 lbs/VMT (Value for PM30/TSP, AP 42, Table 13.2.2-2, 11/06)	4.9	<b>T</b>
--	-----	----------

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	<b>%</b>
--	-----	----------

W = mean vehicle weight = 54 tons (1994 average loaded/unloaded or a 40 ton truck)	54	<b>tons</b>
--	----	-------------

a = constant = 0.7 (Value for PM30/TSP, AP 42, Table 13.2.2-2, 11/06)	0.7	
---	-----	--

b = constant = 0.45 (Value for PM30/TSP, AP 42, Table 13.2.2-2, 11/06)	0.45	
--	------	--

Calculation: (8760 hrs/yr) * (0.21 VMT/hr) * (12.46 lb/VMT) * (ton/2000 lb) = 11.37 tons/yr (Uncontrolled Emissions)	11.37	<b>tons/yr</b>
--	-------	----------------

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 = $k * (s / 12)^a * (W / 3)^b = 3.43 \text{ lb/VMT}$	3.43	lb/V MT lbs/V
Where: k = constant = 1.5 lbs/VMT (Value for PM10, AP 42, Table 13.2.2-2, 11/06)	1.5	MT
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 = 54 tons (1994 average loaded/unloaded or a 40 ton truck)	54	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	
Calculation: $(8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (3.43 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) = 3.13 \text{ tons/yr}$ (Uncontrolled Emissions)	3.13	tons/y r

PM2.5 Emissions

Predictive equation for emission factor for unpaved roads at industrial sites provided per AP 42, Ch. 13.2.2, 11/06.

Emission Factor = $k * (s / 12)^a * (W / 3)^b = 0.34 \text{ lb/VMT}$	0.34	lb/V MT lbs/V
Where: k = constant = 0.15 lbs/VMT (Value for PM2.5, AP 42, Table 13.2.2-2, 11/06)	0.15	MT
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 = 54 tons (1994 average loaded/unloaded or a 40 ton truck)	54	tons
a = constant = 0.9 (Value for PM2.5, AP 42, Table 13.2.2-2, 11/06)	0.9	
b = constant = 0.45 (Value for PM2.5, AP 42, Table 13.2.2-2, 11/06)	0.45	
Calculation: $(8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (0.34 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) = 0.31 \text{ tons/yr}$ (Uncontrolled Emissions)	0.31	tons/y r

**Diesel Generator (Small)**

Note: Emissions are based on the power output of the engine (150 hp).

Operational Capacity of Engine = 150 hp	150	hp
Hours of Operation = 8,760.00 hours	8760	hours

PM Emissions:

PM Emissions = 1.45 ton/yr (Assume all PM < 1.0 um)	1.45	ton/y r
---	------	------------

PM-10 Emissions:

Emission Factor = 0.0022 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)	0.0022	lbs/h p-hr ton/y
Calculation: $(150 \text{ hp}) * (8,760 \text{ hours}) * (0.0022 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) = 1.45 \text{ ton/yr}$	1.45	r

PM2.5 Emissions

Emission Factor = 0.0022 lbs/hp-hr (Assume all PM < 1.0 um)	0.0022	lbs/h p-hr ton/y
Calculation: $(150 \text{ hp}) * (150 \text{ hp}) * (0.0022 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) = 1.45 \text{ ton/yr}$ (Assume all PM < 1.0 um)	1.45	r

NOx Emissions:

Emission Factor = 0.031 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)	0.031	lbs/h p-hr ton/y
Calculation: $(150 \text{ hp}) * (8,760 \text{ hours}) * (0.031 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) = 20.37 \text{ ton/yr}$	20.37	r

CO Emissions:

Emission Factor = 0.00668 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)	0.00668	lbs/h p-hr ton/y
Calculation: $(150 \text{ hp}) * (8,760 \text{ hours}) * (0.00668 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) = 4.39 \text{ ton/yr}$	4.39	r

VOC Emissions:

Emission Factor = 0.0025141 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, TOC, Exhaust & Crankcase, 10/96)	0.00251	<b>lbs/h p-hr ton/y r</b>
Calculation: (150 hp) * (8,760 hours) * (0.0025141 lbs/hp-hr) * (ton/2000 lb) = 1.65 ton/yr	1.65	

SOx Emissions:

Emission Factor = 0.00205 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)	0.00205	<b>lbs/h p-hr ton/y r</b>
Calculation: (150 hp) * (8,760 hours) * (0.00205 lbs/hp-hr) * (ton/2000 lb) = 1.35 ton/yr	1.35	

V. Existing Air Quality

This permit is for a portable facility to be initially located in Section 19, Township 8 North, Range 48 East, in Custer County, Montana. Custer County, and in those areas for which this facility is permitted to operate, have been designated unclassified/attainment with all ambient air quality standards, and where there are no major air pollution sources in the surrounding area.

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 #5207-00, the Department determined that the impact from this permitting action will be minor.

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)
YES	NO	

	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.

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Air, Energy & Mining Division**  
**Air Quality Bureau**  
**P.O. Box 200901, Helena, MT 59620**  
**(406) 444-3490**

**ENVIRONMENTAL ASSESSMENT (EA)**

*Issued To:* John Muggli Contracting, LLC dba Wolf Creek Scoria

*Montana Air Quality Permit number (MAQP):* 5207-00

*EA Draft:* June 22, 2018

*EA Final:* July 12, 2018

*Permit Final:* July 28, 2018

1. *Legal Description of Site:* Section 19, Township 8 North, Range 48 East, in Custer County, Montana
2. *Description of Project:* John Muggli Contracting, LLC (JMC) owns and operates a portable crushing facility.
3. *Objectives of Project:* To produce crushed aggregate for local construction projects.
4. *Alternatives Considered:* In addition to the proposed action, the Department also considered the “no-action” alternative. For the current permitting action, the no-action alternative would deny JMC an MAQP which could result in loss of revenue as customers would need to acquire aggregate from other sources. Since JMC has submitted a complete application and application fee, the “no-action” alternative was eliminated from further consideration.
5. *A Listing of Mitigation, Stipulations, and Other Controls:* A list of enforceable conditions, including a BACT analysis, would be included in MAQP #5207-00.
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 that the permit conditions are reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.
7. *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

The permitting action would be expected to have minor effects on terrestrial and aquatic life and habitats because facility emissions would be well dispersed in the area of the operation (as described in 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. However, the Department determined that, due to dispersion characteristics of pollutants and conditions that would be placed in MAQP #5207-00, any impacts from deposition of pollution 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 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

Only minor impacts would be expected to occur with respect to vegetative cover, quality and quantity because the facility would operate in an area where vegetation has been previously disturbed. During operations, the facility would be a 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 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 facility would be located in an already disturbed area with only minor new disturbance. Activity within the facility would create noise while operating at the proposed site. Although noise and visual impacts would be realized, the impacts would be minor and short-lived.

## 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 #5207-00 includes conditions limiting the facility's opacity; requiring that water and water spray bars are available on site and used to ensure compliance with opacity standards; and limiting the facility's crushing production.

#### G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department contacted the Montana Natural Heritage Program (MNHP) in an effort to identify any species of concern that may be found in the area where the initial proposed crushing facility would occur. Search results have concluded there are seven (13) animal species of concern in the area. Area, in this case, would be defined by the township and range of the proposed site, with an additional 1-mile buffer. The known species of concern are the Hoary Bat, Little Brown Myotis, Townsend's Big-eared Bat, Great Blue Heron, Greater Sage-Grouse, Greater Short-horned Lizard, Spiny Softshell, Blue Sucker, Paddlefish, Pallid Sturgeon, Sauger, Sicklefin Chub, and the Sturgeon Chub. Specific effects of operating the proposed project in this area would be minor since the project is small, temporary, and operates on an intermittent basis. Therefore, the Department determined that any effects upon these species would likely be minor and short-lived.

#### H. Sage Grouse Executive Order

The Department recognizes that the initial site selection is not within the Greater Sage Grouse habitat as defined by Executive Order No. 12-2015.

#### I. Demands on Environmental Resource 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.

#### J. 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 initial location of the facility. According to correspondence from the Montana State Historic Preservation Office, there have been no previously recorded sites within the designated search locale. The absence of cultural properties in the area does not mean that they do not exist but rather may reflect the absence of any previous cultural resource inventory in the area, as the SHPO records indicated none. However, if cultural materials are discovered during this project the Montana Historical Society should be contacted.

#### K. Cumulative and Secondary Impacts

The operation of the crushing equipment 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, as the 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. *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 non-metallic mineral processing facility would not be expected to cause any disruption to the social structures and mores in the area because the source would be a minor industrial source that would only have temporary and intermittent operations. The Department has determined that no impact to the social structure and mores would be expected.

B. Cultural Uniqueness and Diversity

The cultural uniqueness and diversity of this area would not likely be impacted by the operation of the proposed facility because the source would operate within an existing gravel pit and would have intermittent and temporary operation. Therefore, there would not be any impacts expected to the cultural uniqueness and diversity.

C. Local and State Tax Base and Tax Revenue

The operation of the 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. 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 mineral processing facility would only have a minor impact on local agricultural or industrial production since the facility would be a minor source. 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 #5207-00 would incorporate conditions to ensure that the 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 #5207-00. Also, the facility would be

operating on a temporary basis and pollutants would disperse from the ventilation of emissions 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

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 operation would only require a few employees to operate and would have seasonal and intermittent operations. The crushing operation would be considered a portable source and would not be expected to have long-term effects upon the quantity and distribution of employment in any given area of operation. The application stated no new employees would be employed as a result of the proposed project. Therefore, no effects upon the quantity and distribution of employment in this area would be expected.

H. Distribution of Population

The crushing 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 this expansion. Therefore, the mineral processing facility would not likely impact the normal population distribution in the initial area of operation or any further operating site.

I. Demands for Government Services

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 new equipment 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. Furthermore, the industrial activity associated with this plant will occur within an existing gravel pit. 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

The Department is not aware of any locally adopted environmental plans and goals this project may impact. The State standards would be protective of the proposed project area.

## L. Cumulative and Secondary Impacts

Overall, cumulative and secondary impacts from this project would result in minor impacts to the economic and social environment in the immediate area due to the relatively small size of the operation. The Department believes that this facility could be expected to operate in compliance with all applicable rules and regulations as would be outlined in MAQP #5207-00.

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 construction and operation of portable crushing facility. MAQP #5207-00 includes conditions and limitations to ensure the facility will operate in compliance with all applicable rules and regulations. In addition, there are no significant impacts associated with this proposal.

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

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

EA prepared by: John P. Proulx  
Date: June 8, 2018