Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor
P. O. Box 200901 Helena, MT 59620-0901 (406) 444-2544 Website: www.deq.mt.gov

May 2, 2012

Mr. Charlie Johnston
MK Weeden Construction
P.O. Box 1164
Lewistown, MT 59457

Dear Mr. Johnston:

Montana Air Quality Permit #4536-01 is deemed final as of May 2, 2012, by the Department of Environmental Quality (Department). This permit is for a portable crushing and screening plant and associated equipment. All conditions of the Department's Decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the Department,

Vickie Walsh
Air Permitting Program Supervisor
Air Resources Management Bureau
(406) 444-9741

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

VW: CH
Enclosures

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #4536-01

MK Weeden Construction
P.O. Box 1164
Lewistown, MT 59457

May 2, 2012

MONTANA AIR QUALITY PERMIT

Issued To: MK Weeden Construction
P.O. Box 1164
Lewistown, MT 59457

MAQP: # 4536-01
Application Complete: 3/14/2012
Preliminary Determination Issued: 3/28/2012
Department's Decision Issued: April 16, 2012
Permit Final: May 2, 2012
AFS #: 777-4536

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to MK Weeden Construction (MK Weeden) 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

MK Weeden operates a portable screening facility and is expanding the equipment to include two crushers, two screens, and a second generator.

MK Weeden proposes to operate the portable crushing and screening plant at Section 13, Township 26 North, Range 57 East, in Richland County, Montana. However, MAQP #4536-01 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 (PM_{10}) 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_{10} nonattainment areas.

B. Current Permit Action

On January 18, 2012, the Department received an MAQP application to add additional equipment to the existing permit. The new equipment includes a jaw crusher, a cone crusher, two screens, several conveyors and a new generator. One of the previously permitted screens also is being removed under the permit action. An incomplete letter was issued to MK Weeden on February 16, 2012, due to a missing affidavit of publication of public notice. Additional information was received from MK Weeden on March 14, 2012, and the application was deemed complete. MK Weeden's MAQP was amended to incorporate limits and conditions to maintain permit allowable emissions below 80 tons per year (tpy). In addition, the permit updates the rule references, permit format, and the emissions inventory. **MAQP #4536-01** replaces MAQP #4536-00.

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 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 Standards of Performance for New Stationary Source (NSPS)-affected equipment, other than a crusher (such as screens and conveyors), 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 equipment that commences construction, modification, or reconstruction on or after April 22, 2008: 7% opacity.

    - For equipment that commences construction, modification, or reconstruction after August 31, 1983, but before April 22, 2008: 10% opacity.

3. All visible emissions from any non-NSPS affected equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).

4. Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2 and II.A.3 (ARM 17.8.749 and ARM 17.8.752).

5. MK Weeden 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. MK Weeden 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. MK Weeden shall not operate more than two screens and the maximum capacity of each screen shall not exceed 400 TPH (ARM 17.8.749).

8. Plant crushing production is limited to 7,008,000 tons during any rolling 12-month time period (ARM 17.8.749).

9. Plant screening production is limited to 7,008.000 tons during any rolling 12-month time period (ARM 17.8.749).

10. MK Weeden shall not operate more than two crushers and the maximum capacity of each crusher shall not exceed 400 TPH (ARM 17.8.749).

11. MK Weeden shall not operate, or have on-site, more than two diesel generator engines. The combined engine's maximum rated operational capacity shall not exceed 1,250 hp (ARM 17.8.749).

12. The hours of operation of each diesel generator shall not exceed 2,500 hours during any rolling 12-month time period (ARM 17.8.1204).

13. MK Weeden shall document, by month, the hours of operation of the diesel engine/generator. By the 25th day of each month, MK Weeden shall total the hours of operation for the diesel engine/generator for the previous month. The monthly information will be used to demonstrate compliance with the rolling 12-month limitation in Section II.A.12. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

14. MK Weeden shall annually certify that its emissions are less than those that would require the source to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted along with the annual emissions inventory information (ARM 17.8.749 and ARM 17.8.1204).

15. If the permitted equipment is used in conjunction with any other equipment owned or operated by MK Weeden, 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).

16. MK Weeden shall comply with any applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants* (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

17. MK Weeden shall comply with any applicable standards and limitations, monitoring, 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 (ARM 17.8.340 and 40 CFR 60, Subpart A and Subpart OOO). 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. MK Weeden 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, based on estimated emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. MK Weeden 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. MK Weeden 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 MK Weeden 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).

5. MK Weeden shall document, by month, the hours of operation of each diesel engine/generator. By the 25th day of each month, MK Weeden shall total the hours of operation for the diesel engine/generator for the previous month. The monthly information will be used to demonstrate compliance with the rolling 12-month limitation in Section II.A.12. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

6. MK Weeden shall annually certify that its emissions are less than those that would require the source to obtain an air quality operating permit as required by ARM 17.8.1204(3)(b). The annual certification shall comply with the certification requirements of ARM 17.8.1207. The annual certification shall be submitted along with the annual emissions inventory information (ARM 17.8.749 and ARM 17.8.1204).

SECTION III: General Conditions

A. Inspection – MK Weeden 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), Continuous Emissions Rate Monitoring Systems (CERMS)) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.

B. Waiver – The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if MK Weeden fails to appeal as indicated below.

C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving MK Weeden of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided for in ARM 17.8.740, *et seq*. (ARM 17.8.756)

D. Enforcement – Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401, *et seq*., MCA.

E. Appeals – Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing does not stay the Department's decision, unless the Board issues a stay upon receipt of a petition and a finding that a stay is appropriate under Section 75-2-211(11)(b), MCA. The issuance of a stay on a permit by the Board postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, the Department's decision on the application is final 16 days after the Department's decision is made.

F. Permit Inspection – As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.

G. Permit Fee – Pursuant to Section 75-2-220, MCA, failure to pay the annual operation fee by MK Weeden 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. MK Weeden 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
MK Weeden Construction
MAQP #4536-01

I. Introduction/Process Description

MK Weeden Construction (MK Weeden) owns and operates a portable crushing and screening facility which includes, but it is not limited to the following equipment:

A. Permitted Equipment

The portable crushing and screening plant consists of the following equipment:

- Two screens each rated for up to 400 tons per hour (TPH)
- One Feed Hopper
- Up to Five Conveyors
- One Stacker Conveyor
- One Jaw Crusher (up to 400 TPH)
- One Cone Crusher (up to 400 TPH)
- Two diesel generators; up to a total of 1250 hp.
- Associated equipment such as front loaders, haul trucks, etc.

B. Source Description

MK Weeden operates a crushing and screening plant and associated equipment to for use in various construction operations. For a typical operational setup, materials are loaded into the jaw crusher by a feeder, transferred by conveyor, and passed through the screen and then into a cone crusher. Finished materials are sent via conveyor to product stockpiles.

C. Home Pit Location

MK Weeden has indicated it will maintain its home base in Lewistown, MT when not at other locations and will return back to this location where it may reside for longer than 12 months. The center of Lewistown is approximately located at Section 15, Township15 North, Range 18 East, Fergus County, Montana.

D. Permit History

Montana Air Quality Permit (MAQP) # 4536-00 was issued to MK Weeden on June 9, 2010, to operate a portable screening facility.

E. Current Permit Action

On January 18, 2012, the Montana Department of Environmental Quality (Department) received a MAQP application to add additional equipment to the existing permit. The new equipment included a jaw crusher, a cone crusher, two screens, several conveyors and a new generator. One of the previously permitted screens also is being removed under the permit action. An incomplete letter was issued to MK Weeden on February 16, 2012, due to a missing affidavit of publication of public notice. Additional information was received from MK Weeden on March 14, 2012, and the application was deemed complete. When contacted, MK Weeden confirmed they wanted to restrict hours to avoid Title V permitting and the restricted hours agreed upon allowed MK Weeden to stay well below 80 tons per

year (tpy). MK Weeden's MAQP was amended to incorporate limits and conditions to maintain permit allowable emissions below 80 tpy. In addition, the permit updates the rule references, permit format, and the emissions inventory. **MAQP #4536-01** replaces MAQP #4536-00.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department. Upon request, the Department will provide references for location of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1 – General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.

3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq*., Montana Code Annotated (MCA).

   MK Weeden 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 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.213 Ambient Air Quality Standard for Ozone
5. ARM 17.8.214 Ambient Air Quality Standard for Hydrogen Sulfide

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 17.8.222 Ambient Air Quality Standard for Lead
9. ARM 17.8.223 Ambient Air Quality Standard for PM_{10}

MK Weeden 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, MK Weeden shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.

3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.

4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.

5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this section.

6. ARM 17.8.324 Hydrocarbon Emissions--Petroleum Products. (3) No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank truck or trailer is equipped with a vapor loss control device as described in (1) of this rule.

7. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). This facility is considered an NSPS affected source because it meets the definition as defined in 40 CFR Part 60.

   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. Based on the information submitted by MK Weeden, the portable screening equipment to be used under MAQP #4536-01 is subject to this subpart because crushing operations are associated with this permit.

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. MK Weeden's generator engine was constructed in 2008, therefore, this rule applies. The 800 hp generator was manufactured in 2005 but put into service after April 2006, so would also need to comply with Subpart IIII.

8. ARM 17.8.342 Emission Standards for Hazardous Air Pollutants for Source Categories. The source, as defined and applied in 40 CFR Part 63, shall comply with the requirements of 40 CFR Part 63, as listed below.

a. 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to a National Emission Standard for Hazardous Air Pollutants (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. Therefore, MK Weeden is subject to this subpart.

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. MK Weeden submitted the appropriate permit application fee for the current permit action.

2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department; the air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.

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

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.

2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a person to obtain a Montana 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. MK Weeden has a PTE greater than 15 tons per year of particulate matter and oxides of nitrogen; 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. MK Weeden 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 February 19, 2012, issue of the *Sidney Herald*, a newspaper of general circulation in the Town of Sidney in Richland County, as proof of compliance with the public notice requirements.

6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the Federal Clean Air Act (FCAA), the Clean Air Act of Montana, and rules adopted under those acts.

7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability that is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section III of this permit analysis.

8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.

9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving MK Weeden 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. A Montana 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. A Montana 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. A Montana 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 a Montana Air Quality Permit 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 a Montana Air Quality Permit may be transferred from one person to another if written notice of intent to transfer, including the names of the transferor and the transferee, is sent to the Department.

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

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.

2. ARM 17.8.818 Review of Major Stationary Sources and Major Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source because it is not a listed source and the facility's PTE is less than 250 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_{10}) in a serious PM_{10} 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 #4536-01 for MK Weeden, 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_{10} nonattainment area.

   d. This facility is subject to a current NSPS (40 CFR 60, Subpart IIII).

   e. This facility is subject to area source provisions of a current NESHAP standard (40 CFR 63, Subpart ZZZZ).

   f. This source is not a Title IV affected source or a solid waste combustion unit.

   g. This source is not an EPA designated Title V source.

   Based on these facts, the Department has determined that MK Weeden 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, MK Weeden will be required to obtain a Title V Operating Permit.

   MK Weeden requested federally-enforceable permit limitations to remain a minor source of emissions with respect to Title V. Based on these limitations, the Department determined that this facility is not subject to the Title V Operating Permit Program. However, in the event that the EPA makes minor sources that are subject to NSPS obtain a Title V Operating Permit, this source will be subject to the Title V Operating Permit Program.

   h. ARM 17.8.1204(3). The Department may exempt a source from the requirement to obtain an air quality operating permit by establishing federally enforceable limitations which limit that source's PTE.

      i. In applying for an exemption under this section the owner or operator of the facility shall certify to the Department that the source's PTE does not require the source to obtain an air quality operating permit.

      ii. Any source that obtains a federally enforceable limit on PTE shall annually certify that its actual emissions are less than those that would require the source to obtain an air quality operating permit.

3. ARM 17.8.1207 Certification of Truth, Accuracy, and Completeness. The compliance certification submittal by ARM 17.8.1204(3) shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this subchapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

III. BACT Determination

A BACT determination is required for each new or modified source. MK Weeden 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.

Two types of emissions controls are readily available and used for dust suppression of fugitive emissions at the site, fugitive emissions for the surrounding area of operations, and for equipment emissions from the screening operation. These two control methods are water and chemical dust suppressant. Chemical dust suppressant could be used on the area surrounding the screening operation, and for emissions from the crushing/screening operation. However, because water is more readily available, is more cost effective, is 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 for the general plant area. In addition, water suppression has been required of recently permitted similar sources. MK Weeden may, however, use chemical dust suppressant to assist in controlling particulate emissions from the surrounding plant area.

MK Weeden shall not cause or authorize to be discharged into the atmosphere from any non-NSPS-affected equipment, any visible emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.

MK Weeden must also take reasonable precautions to limit the fugitive emissions of airborne particulate matter from haul roads, access roads, parking areas, and the general area of operation. MK Weeden is required to have water spray bars and water available on site (at all times) and to apply the water, as necessary, to maintain compliance with the opacity and reasonable precaution limitations. MK Weeden may also use chemical dust suppression, in order to maintain compliance with emission limitations in Section II.A of MAQP #4536-01. The Department determined that using water spray bars, water, and chemical dust suppressant to maintain compliance with the opacity requirements and reasonable precaution limitations constitutes BACT for the crushing/screening operation.

IV. Emission Inventory

Emission Source	Emissions Tons/Year [PTE]						
	PM	PM_{10}	$PM_{2.5}$	CO	NO_x	SO_x	VOC
Jaw Crusher	2.10	0.95	0.18	--	--	--	--
Cone Crusher	2.10	0.95	0.18	--	--	--	--
Truck Unloading (Assume all material is unloaded that can be processed in crushers)	0.00	0.06	--	--	--	--	--
Screen (Assume all material is screened that can be processed in crushers)	7.71	2.59	0.18	--	--	--	--
Transfer Points (Assume 3 Transfer Points that are Controlled)	1.47	0.48	0.14	--	--	--	--
Pile Formation (Assume sum of crusher capacity)	11.33	5.36	0.81	--	--	--	--
Truck Loading (Assume all material is eventually loaded)	0.49	0.16	--	--	--	--	--
Two Diesel Generators (Up to a Total 1250 hp)	3.44	2.75	2.75	10.44	48.44	3.20	3.92
Unpaved Roadways (Haul Roads)	5.39	1.49	0.15	--	--	--	--
TOTAL EMISSIONS >	34.04	14.78	4.37	10.44	48.44	3.20	3.92

a. Emission Inventory reflects enforceable limits on hours of operation

CO, carbon monoxide

NO_x, oxides of nitrogen

PM, particulate matter

PM_{10}, 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_2, oxides of sulfur

TPY, tons per year

VOC, volatile organic compounds

MK Weeden Emission Inventory Calculation Details

Jaw Crusher
Crusher Capacity

Process Rate:	400	ton/hr				
Operating Hours	8760	hours/year		3504000	tpy	
PM Emissions:						
Emission Factor	0.0012	lbs/ton [AP-42 Table 11.19.2-2 8/04]	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.0012 lbs/ton) * (400.00 ton/hour) =				0.48	lbs/hr
	(0.48 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =				2.10	TPY

PM_{10} Emissions:

Emission Factor	0.00054	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.00054 lbs/ton) * (400.00 ton/hour)			0.22	lbs/hr
	=				
	(0.22 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.95	TPY

$PM_{2.5}$ Emissions:

Emission Factor	0.0001	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.0001 lbs/ton) * (400.00 ton/hour) =			0.04	lbs/hr
	(0.04 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.18	TPY

Crusher
Cone Crusher

Process Rate:	400.0	ton/hr		
Operating Hours	8760	hrs/year	3504000	tpy

PM Emissions:

Emission Factor	0.0012	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.0012 lbs/ton) * (400.00 ton/hour) =			0.48	lbs/hr
	(0.48 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			2.10	TPY

PM_{10} Emissions:

Emission Factor	0.00054	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.00054 lbs/ton) * (400.00 ton/hour)			0.22	lbs/hr
	=				
	(0.22 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.95	TPY

PM2.5 Emissions:

Emission Factor	0.0001	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.0001 lbs/ton) * (400.00 ton/hour) =			0.04	lbs/hr
	(0.04 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.18	TPY

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

Process Rate:	800.0	ton/hr (Assumes each crusher operates independently)
Operating Hours	8760	hours/yr

PM Emissions	(Set to Match PM_{10} directly below)	0.06	TPY

PM_{10} Emissions:

Emission Factor	0.000016	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.000016 lbs/ton) * (800.00 ton/hour) =			0.01	lbs/hr
	(0.01 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.06	TPY

Screens (Assume all material is screened that can be processed in crushers)

Process Rate:	800	ton/hr	
Operating Hours	8760	hours/yr	7008000

(Screening controlled)

PM Emissions:

Emission Factor	0.00220	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.0022 lbs/ton) * (800.00 ton/hour) =			1.76	lbs/hr
	(1.76 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			7.71	TPY

PM_{10} Emissions:

Emission Factor	0.00074	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.00074 lbs/ton) * (800.00 ton/hour)			0.59	lbs/hr
	=				
	(0.59 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			2.59	TPY

$PM_{2.5}$ Emissions:

Emission Factor	0.00005	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.00005 lbs/ton) * (800.00 ton/hour)			0.04	lbs/hr
	=				
	(0.04 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.18	TPY

Transfer Points (Assume 3 Transfer Point that are Controlled Covering alternate product streams)

Process Rate:	2400	ton/hr (Assumes each crusher operates independently and average of 3 conveyors used)
Operating Hours	8760	hours/yr

PM Emissions: (Conveyor Transfer Points)

Emission Factor	0.00014	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.00014 lbs/ton) * (2,400.00 ton/hour) =			0.34	lbs/hr
	(0.34 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			1.47	TPY

PM_{10} Emissions:

Emission Factor	0.000046	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.000046 lbs/ton) * (2,400.00 ton/hour) =			0.11	lbs/hr
	(0.11 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.48	TPY

$PM_{2.5}$ Emissions:

Emission Factor	0.000013	lbs/ton	[AP-42 Table 11.19.2-2 8/04]		
Calculations	(0.000013 lbs/ton) * (2,400.00 ton/hour) =			0.03	lbs/hr
	(0.03 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.14	TPY

Pile Formation (Assume equipment thru- put is crusher total capacity)

Process Rate:	800	ton/hr	Equation 1 from AP-42 Sec 13.2.4.3 11/06		
Operating Hours	8760	hrs/year	U = wind speed miles per hour	8.15	(estimate)
			k = particle size multiplier	0.74	AP-42 Sec 13.2.4-3 11/06
PM Emissions:			M = Moisture content %	2.52	(estimate)
	0.00323375	lbs/ton	E=k*(0.0032)*(U/5)^1.3/(M/2)^1.4		

Emission Factor Calculations	(0.00323 lbs/ton) * (800.00 ton/hour) =			2.59	lbs/hr	
	(2.59 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			11.33	TPY	
		Equation 1 from AP-42 Sec 13.2.4.3 11/06				
		U = wind speed miles per hour	8.15		8.15	(estimate)
		k = particle size multiplier	0.35		0.35	AP-42 Sec 13.2.4-3 11/06
PM_{10} Emissions:		M = Moisture content %	2.52		2.52	(estimate)
Emission Factor Calculations	0.00152948 lbs/ton	E=k*(0.0032)*(U/5)^1.3/(M/2)^1.4				
	(0.00153 lbs/ton) * (800.00 ton/hour) =			1.22	lbs/hr	
	(1.22 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			5.36	TPY	
$PM_{2.5}$ Emissions:		Equation 1 from AP-42 Sec 13.2.4.3 11/06				
		U = wind speed miles per hour	8.15		8.15	(estimate)
		k = particle size multiplier	0.053		0.35	AP-42 Sec 13.2.4-3 11/06
		M = Moisture content %	2.52		2.52	(estimate)
Emission Factor Calculations	0.00023161 lbs/ton	E=k*(0.0032)*(U/5)^1.3/(M/2)^1.4				
	(0.00023 lbs/ton) * (800.00 ton/hour) =			0.19	lbs/hr	
	(0.19 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.81	TPY	

Truck Loading (Assume all material is eventually loaded)

Modeled as Truck Loading Conveyor

Process Rate:	800	ton/hr				
Operating Hours	8760	hours/yr				
PM Emissions:						
Emission Factor	0.00014	lbs/ton	[AP-42 Table 11.19.2-2 8/04]			
Calculations	(0.00014 lbs/ton) * (800.00 ton/hour) =			0.11	lbs/hr	
	(0.11 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.49	TPY	
PM_{10} Emissions:						
Emission Factor	0.000046	lbs/ton	[AP-42 Table 11.19.2-2 8/04]			
Calculations	(0.000046 lbs/ton) * (800.00 ton/hour) =			0.04	lbs/hr	
	(0.04 lbs/hr) * (8760 hrs/yr) *(0.0005 tons/lb) =			0.16	TPY	

Two Diesel Generators (Up to a Total 1250 hp)

Engine Rating:	1250	hp
Operating Hours:	2500	hrs/yr

Particulate Emissions:

PM Emissions:

Emission Factor	0.0022	lb/hp-hr	[AP-42 3.3-1, 10/96]		
Calculations	(0.0022 lb/hp-hr) * (1250 hp) =			2.75	lbs/hr
	(2.75 lbs/hr) * (2500 hrs/yr) * (0.0005 tons/lb) =			3.44	TPY

PM_{10} Emissions:

Emission Factor	0.0018	lb/hp-hr	[AP-42 3.3-1, 6/06]		
Calculations	(0.00176 lb/hp-hr) * (1250 hp) =			2.20	lbs/hr
	(2.20 lbs/hr) * (2500 hrs/yr) * (0.0005 tons/lb) =			2.75	TPY

$PM_{2.5}$ Emissions:

Emission Factor	0.0018	lb/hp-hr	[AP-42 3.3-1, 10/96]		
Calculations	(0.00176 lb/hp-hr) * (1250 hp) =			2.20	lbs/hr
	(2.20 lbs/hr) * (2500 hrs/yr) * (0.0005 tons/lb) =			2.75	TPY

CO Emissions:

Emission Factor	0.00668	lb/hp-hr	[AP-42 3.3-1, 6/06]		
Calculations	(0.00668 lb/hp-hr) * (1250 hp) =			8.35	lbs/hr
	(8.35 lbs/hr) * (2500 hrs/yr) * (0.0005 tons/lb) =			10.44	TPY

NO_x Emissions:

Emission Factor	0.031	lb/hp-hr	[AP-42 3.3-1, 6/06]		
Calculations	(0.031 lb/hp-hr) * (1250 hp) =			38.75	lbs/hr
	(38.75 lbs/hr) * (2500 hrs/yr) * (0.0005 tons/lb) =			48.44	TPY

SO_x Emissions:

Emission Factor	0.00205	lb/hp-hr	[AP-42 3.3-1, 6/06]		
Calculations	(0.0021 lb/hp-hr) * (1250 hp) =			2.56	lbs/hr
	(2.56 lbs/hr) * (2500 hrs/yr) * (0.0005 tons/lb) =			3.20	TPY

VOC Emissions:

Emission Factor	0.00251	lb/hp-hr	[AP-42 3.3-1, 6/06]		
Calculations	(0.0025 lb/hp-hr) * (1250 hp) =			3.14	lbs/hr
	(3.14 lbs/hr) * (2500 hrs/yr) * (0.0005 tons/lb) =			3.92	TPY

Unpaved Roadways (Haul Roads)

Emission Factor $EF = k(s/12)^{a} * (W/3)^{b}$ [AP-42 13.2.2.2, 11/06]

EF, Emission Factor = lbs Emitted Per Vehicle Mile Traveled (VMT)

k, Empirical Constant PM = 4.9 [AP-42 Table 13.2.2-2, 11/06]

k, Empirical Constant PM_{10} =	1.5	[AP-42 Table 13.2.2-2, 11/06]
k, Empirical Constant $PM_{2.5}$ =	0.15	[AP-42 Table 13.2.2-2, 11/06]
s, Surface Material Silt Content (%) =	7.1	[AP-42 Table 13.2.2-1, 11/06]
W, Mean Vehicle Weight Loaded (tons) =	48	[Estimated]
a, Empirical Constant PM =	0.7	[AP-42 Table 13.2.2-2, 11/06]
a, Empirical Constant PM_{10} and $PM_{2.5}$ =	0.9	[AP-42 Table 13.2.2-2, 11/06]
b, Empirical Constant PM , PM10 and $PM_{2.5}$ =	0.45	[AP-42 Table 13.2.2-2, 11/06]

PM Emissions(uncontrolled): PM30

Emission Factor	EF = 4.9 * (7.1/12)^0.7 * (48/3)^0.45 =	11.82	lbs/VMT		
Calculations	(11.82 lbs/VMT) * (5 miles/day) =			59.08	lbs/day
	(59.08 lbs/day) * (365 days/yr) * (0.0005 tons/lb) =			10.78	TPY
	50% Control Applied			5.39	TPY

PM_{10} Emissions(uncontrolled):

Emission Factor	EF = 1.5 * (7.1/12)^0.9 * (48/3)^0.45 =	3.26	lbs/VMT		
Calculations	(3.26 lbs/VMT) * (5 miles/day) =			16.28	lbs/day
	(16.28 lbs/day) * (365 days/yr) * (0.0005 tons/lb) =			2.97	TPY
	50% Control Applied			1.49	TPY

$PM_{2.5}$ Emissions(uncontrolled):

Emission Factor	EF = 0.15 * (7.1/12)^0.9 * (48/3)^0.45 =	0.33	lbs/VMT		
Calculations	(0.33 lbs/VMT) * (5 miles/day) =			1.63	lbs/day
	(1.63 lbs/day) * (365 days/yr) * (0.0005 tons/lb) =			0.30	TPY
	50% Control Applied			0.15	TPY

V. Air Quality Impacts

MAQP #4536-01 is issued for the operation of a portable crushing/screening plant. MAQP #4536-01 will cover the plant while operating at any location within Montana, excluding those counties that have a Department-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain PM_{10} nonattainment areas. In the view of the Department, the amount of controlled emissions generated by this facility will not exceed any set ambient air quality standard. In addition, this source is portable and any air quality impacts would be expected to be temporary. The Department determined that the impact from this permitting action would be expected to be minor. The Department believes it will not cause or contribute to a violation of any ambient air quality standard.

VI. 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.

VII. Environmental Assessment

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

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

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued To: MK Weeden Construction

Montana Air Quality Permit number: 4536-01

Preliminary Determination Issued: 03/28/2012
Department Decision Issued: 4/16/2012
Permit Final:

1. *Legal Description of Site*: Section 13, Township 26 North, Range 57 East, in Richland County, Montana.

2. *Description of Project*: MK Weeden proposes to operate a portable crushing/screening plant.

3. *Objectives of Project*: MK Weeden proposes to operate a portable screening plant to sort sand and gravel like material for various uses.

4. *Alternatives Considered*: In addition to the proposed action, the Department also considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality preconstruction permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because MK Weeden has demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.

5. *A Listing of Mitigation, Stipulations, and Other Controls*: A list of enforceable conditions, including a BACT analysis, would be included in MAQP #4536-01.

6. *Regulatory Effects on Private Property*: The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined that the permit conditions are reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.

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

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

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

A. Terrestrial and Aquatic Life and Habitats

Terrestrials may use the same area as the facility site. The proposed project would be considered a minor source of emissions by industrial standards. Limitations and conditions would be placed in MAQP #4536-01 to minimize these emissions. Minor effects on terrestrial life would be expected.

Impacts on aquatic life may result from storm water runoff and pollutant deposition, but such impacts would be minor as the facility would be a minor source of emissions. Since only a minor amount of air emissions would be generated, only minor deposition would occur. Therefore, only minor effects to aquatic life and habitat would be expected from the proposed screening operation.

B. Water Quality, Quantity and Distribution

Water would be required for pollution control for equipment operation. However, pollutant deposition and water use would cause minor impacts as only a small volume of water would be used and only a small amount of pollution deposition would be expected. Overall, the equipment would be expected to have minor impacts to water quality, quantity, and distribution in the area of operation.

C. Geology and Soil Quality, Stability and Moisture

The facility would be a minor source of emissions by industrial standards and would occupy a relatively small area for the crushing/screening operations. Therefore, impacts from the emissions from the crushing/screening operation would be expected to be minor.

The crushing/screening operation would have only minor impacts on soils in any proposed site location because the facility is relatively small in size, would use relatively small amounts of water for pollution control, and would be expected to have seasonal and intermittent operations. Therefore, any affects upon geology and soil quality, stability, and moisture at any proposed operational site would be expected to be minor.

D. Vegetation Cover, Quantity, and Quality

Because the equipment at the facility would be a minor source of emissions by industrial standards and would operate in a relatively small area a used for the crushing/screening operations, impacts from the emissions of the operation would be minor.

The amount of air emissions from this project would be minor. As a result, the corresponding deposition of the air pollutants on the surrounding vegetation would also be minor.

E. Aesthetics

The crushing/screening operation would be visible and would create additional noise while operating. However, MAQP #4536-01 would include conditions to control emissions, including visible emissions, from the plant. Also, because the screening operation would be portable, would be expected to operate on an intermittent and seasonal basis, and would typically locate within an area designated for such activities, any visual and noise impacts would be expected to be minor and short-lived. At the initial proposed location, the nearest residence is approximately 1.4 miles away.

F. Air Quality

The air quality impacts from the screening operation would be expected to be minor because the facility would be relatively small and be required to operate using appropriate air pollution controls. MAQP #4536-01 would include conditions limiting the opacity from the plant, as well as requiring water spray bars to control air pollution.

Furthermore, this facility would be expected to be used on a temporary and intermittent basis, thereby further reducing potential air quality impacts from the facility. Air quality impacts would be expected to be minor.

G. Unique Endangered, Fragile, or Limited Environmental Resources

To assess potential impacts to unique endangered, fragile, or limited environmental resources in the proposed area of operations, the Department contacted the Montana Natural Heritage Program (MNHP) to identify any species of concern associated with the initial proposed site location. Search results concluded the whooping crane is the single species of concern for the proposed site. The defined area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer.

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

The crushing/screening operation would require only small quantities of water, air, and energy for proper operation. Water would be used for dust suppression and would control particulate emissions being generated at the site. However the total usage would be expected to be relatively small. Energy requirements would be required, and consist mostly of one on-site diesel fired generator. Any impacts to water, air, and energy resources in any given area would be minor.

I. Historical and Archaeological Sites

The Department contacted the State Historic Preservation Office (SHPO) to request a cultural resource file search for the project location to aid the Department in the assessment of impacts to historical and archeological sites. The SHPO file search reported no previously recorded sites within the designated search area. The Department would expect minor, if any, impacts to any sites present in the area.

J. Cumulative and Secondary Impacts

The proposed project would cause minor cumulative and secondary impacts to the physical and biological aspects of the human environment because the facility would generate emissions. Noise would also be generated from the site. Emissions and noise would cause minimal disturbance because the equipment is small and the facility would be expected to operate in areas designated and used for such operations. The potential impacts to the individual physical and biological considerations above were minor. Collectively, any cumulative or secondary impacts to the physical and biological aspects of the human environment would be expected to be minor.

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

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

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

A. Social Structures and Mores

The proposed project would result in minor, if any, impacts to social structures and mores. The project would typically operate in an area designated for crushing and screening activities. Furthermore, the operations are expected to be intermittent and seasonal.

B. Cultural Uniqueness and Diversity

The proposed project would result in minor, if any, impacts to cultural uniqueness and diversity. The project would typically operate in an area designated for such activities. Furthermore, operations are expected to be intermittent and seasonal. No significant employment is expected.

C. Local and State Tax Base and Tax Revenue

The proposed project would result in minor, if any, impacts to the local and state tax base and tax revenue. The equipment proposed would not be expected to require any more than a few additional employees.

D. Agricultural or Industrial Production

The equipment would typically operate in an area previously designated for agricultural operations. The proposed project would have a minor impact on local industrial production since the project would increase air emissions slightly.

Conditions and limitations placed in MAQP #4536-01 would ensure only a minor increase in allowable air emissions, with minimal deposition of air pollutants. Therefore, deposition on the surrounding land and vegetation would be expected to be minor. Any affects to agricultural production would be expected to be minor.

E. Human Health

Conditions would be incorporated into MAQP #4536-01 to ensure that the facility would operate in compliance with all applicable air quality rules and standards. These rules and standards are designed to protect human health. The air emissions from this project would be required to be minimized by the use of water spray.

F. Access to and Quality of Recreational and Wilderness Activities

This facility would typically be located on previously disturbed property and would not be expected to impact access to recreational and wilderness activities. Minor impact on the quality of recreational activities might be created by noise. Visible air emissions would be minimized as a result of limitations placed in the MAQP and the expected temporary and portable nature of the operation.

G. Quantity and Distribution of Employment

This facility would be a small, portable operation. Therefore, this project would not be expected to have any more than a minor effect to the quantity and distribution of employment in any given area of operation.

H. Distribution of Population

The facility would be small and temporary in nature with very few employees. Therefore, the facility would be expected to have little, if any, impact on the normal population distribution in the area of operation or any future 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 minor.

J. Industrial and Commercial Activity

The proposed project would represent only a minor increase in the industrial activity in the proposed area of operation because the facility would be a small industrial source, and be portable and temporary in nature.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans or goals. The proposed project would be allowed by its Montana Air Quality Permit to operate in areas designated by EPA as attainment or unclassified for ambient air quality. An addendum would be required to operate in or within 10 km of a PM_{10} nonattainment area. The permit would contain maximum capacity and opacity limits for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. Because the facility would be small and portable, any impacts from the project would be minor.

L. Cumulative and Secondary Impacts

Overall, the proposed project would cause minor cumulative and secondary impacts to the social and economic aspects of the human environment in the immediate area of operation.

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 a portable crushing/screening operation. MAQP #4536-01 includes conditions and limitations to ensure the facility would operate in compliance with all applicable rules and regulations. In addition, there are no significant impacts associated with this proposal.

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

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

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Date: 03/15/2012