



Montana Department of
ENVIRONMENTAL **Q**UALITY

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November 28, 2011

Joni Johnson
Concord Field Services, LLC – Plant #3
95 Main Street, Suite F
P.O. Box 210
Westcliffe, CO 81252

Dear Ms. Johnson:

Montana Air Quality Permit #4692-00 is deemed final as of November 26, 2011, by the Department of Environmental Quality (Department). This permit is for a portable gravel 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,

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

Ed Warner
Environmental Engineer
Air Resources Management Bureau
(406) 444-2467

VW:EW
Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #4692-00

Concord Field Services, LLC – Plant #3
95 Main Street, Suite F
P.O. Box 210
Westcliffe, CO 81252

November 26, 2011



MONTANA AIR QUALITY PERMIT

Issued To: Concord Field Services LLC Montana Air Quality Permit: #4692-00
95 Main Street, Suite F Application Complete: 10/05/2011
P.O. Box 210 Preliminary Determination Issued: 10/25/2011
Westcliffe, CO 81252 Department's Decision Issued: 11/10/2011
Permit Final: 11/26/2011
AFS #: 777-4692

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to Concord Field Services LLC (Concord) 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

Concord proposes to operate a portable gravel crushing facility consisting of one crusher with a maximum rated design capacity not to exceed 900 tons per hour (TPH), one diesel generator engine with a maximum rated design capacity not to exceed 1,490 brake horsepower (bhp), and associated material handling equipment. The facility is referred to as Plant #3.

B. Plant Location

Concord proposes to operate the Plant #3 portable gravel crushing facility at an initial home pit location in Section 34, Township 15 North, Range 58 East, in Dawson County. However, MAQP #4692-00 applies while operating at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 km of certain PM₁₀ nonattainment areas.

SECTION II: Conditions and Limitations

A. Emission Limitations

1. All visible emissions from any Standards of Performance for New Stationary Source (NSPS)-affected crusher shall not exhibit an opacity in excess of the following averaged over 6 consecutive minutes (ARM 17.8.340 and 40 Code of Federal Regulations (CFR) 60, Subpart OOO).
 - a. For crushers that commence construction, modification, or reconstruction on or after April 22, 2008: 12% opacity.
 - b. 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 or conveyor transfers, 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).

- a. For equipment that commences construction, modification, or reconstruction on or after April 22, 2008: 7% opacity.
 - b. 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 and 752).
 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. Concord 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. Concord 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 and ARM 17.8.752).
 7. Concord shall not operate more than one crusher with a maximum design capacity not to exceed 900 TPH (ARM 17.8.749).
 8. Concord shall not operate more than one diesel generator engine with a maximum rated design capacity not to exceed 1,490-bhp (ARM 17.8.749).
 9. The diesel generator engine referenced in Section II.A.8 shall be certified to United States Environmental Protection Agency (US EPA) Tier 2 or higher nonroad engine emission standards as tabulated by 40 CFR 89.112 (ARM 17.8.749).
 10. Operation of the diesel generator engine referenced in Section II.A.8 shall not exceed 4,500 hours during any rolling 12-month time period (ARM 17.8.749).
 11. If the permitted equipment is used in conjunction with any other equipment owned or operated by Concord, 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 of Environmental Quality (Department) (ARM 17.8.749).
 12. Concord shall comply with all applicable standards and limitations, and the reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants* (ARM 17.8.340 and 40 CFR 60, Subpart OOO).
 13. Concord shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart IIII, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines* and 40 CFR 63, Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, for any applicable diesel engine (ARM 17.8.340; 40 CFR 60, Subpart IIII; ARM 17.8.342 and 40 CFR 63, Subpart ZZZZ).

B. Testing Requirements

1. Within 60 days after achieving maximum production, but no later than 180 days after initial start-up, an Environmental Protection Agency (EPA) Method 9 opacity test and/or other methods and procedures as specified in 40 CFR 60.675 must be performed on all NSPS-affected equipment to demonstrate compliance with the emission limitations contained in Section II.A.1 and II.A.2 (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 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. Concord 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 actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. Concord 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. Concord 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 Concord 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. Concord shall document, by month, the hours of operation of the diesel generator engine. By the 25th day of each month, Concord shall calculate the hours of operation for the previous month. The monthly information will be used to verify compliance with the rolling 12-month limitation in Section II.A.10. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).
6. Concord shall have available onsite at all times documentation for the diesel generator engine to verify compliance with the US EPA Tier 2 or better certification as described in Section II.A.9 (ARM 17.8.749).

D. Notification

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

SECTION III: General Conditions

- A. Inspection – Concord 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 emission rate monitoring systems (CERMS), or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.
- B. Waiver – The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if Concord fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving Concord 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 Concord 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. Concord 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
Concord Field Services LLC
MAQP #4692-00

I. Introduction/Process Description

Concord Field Services LLC (Concord) proposes to operate a portable gravel crushing facility known as Plant #3.

A. Permitted Equipment

A portable gravel crushing facility consisting of one crusher plant with a maximum rated design capacity not to exceed 900 tons per hour (TPH), one diesel generator engine with a maximum rated design capacity not to exceed 1,490-brake horsepower (bhp) and certified to United States Environmental Protection Agency (US EPA) Tier 2 or better nonroad diesel engine emission standards, and associated material handling equipment.

B. Source Description

Concord proposes to operate this crushing plant, using the equipment described above, to crush rock into specific sized gravel. For a typical crusher plant operation, material is introduced via front end loader into a feed hopper which meters the material into the jaw crusher. Crushed material is then sent via conveyor to a stockpile area. A 1,490-bhp diesel generator engine supplies electricity for the facility.

Concord proposes to operate the Plant #3 portable gravel crushing facility at an initial home pit location in Section 34, Township 15 North, Range 58 East, in Dawson County. MAQP #4692-00 applies while operating at any location in Montana, except those areas having a Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment areas. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 km of certain PM₁₀ nonattainment areas.

II. Applicable Rules and Regulations

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

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

1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment (including instruments and sensing devices) and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.

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

Concord 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 (CO)
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter (PM)
5. ARM 17.8.221 Ambient Air Quality Standard for Visibility
6. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀

Concord 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, Concord 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 17.8.340 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 an NSPS-affected source. The following subparts apply or could potentially become applicable to the facility during the life of the permit:
 - a. 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below:
 - b. 40 CFR 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. In order for a crushing plant to be subject to this subpart, the facility must meet the definition of an affected facility, must have a maximum rated design capacity of more than 150 TPH for a portable facility, and the affected equipment must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by Concord, the portable crushing equipment to be used under MAQP #4692-00 is subject to this subpart because the crusher has a maximum design capacity greater than 150 TPH.
 - c. 40 CFR 60, Subpart IIII – Standards of Performance for Stationary Compression Ignition (CI) Internal Combustion Engines (ICE). This rule indicates that NSPS requirements apply to owners or operators of stationary CI ICE that commence construction after April 1, 2006 and are not fire pump engines. An ICE is considered stationary if it remains or will remain at the permitted location for more than 12 months, or a shorter period of time for an engine located at a seasonal source. A seasonal source remains at a single location on a permanent basis (at least 2 years) and operates 3 months or more each year. Based on the information submitted by Concord, the diesel engine to be used under MAQP #4692-00 could potentially be subject to this subpart because it is manufactured after April 1, 2006.
7. ARM 17.8.342 Emission Standards for Hazardous Air Pollutants for Source Categories. This requires that a source, as defined and applied in 40 CFR Part 63, comply with the requirements of 40 CFR Part 63. The following subparts could potentially become applicable to the facility during the life of the permit:
 - 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 – NESHAPs for Stationary Reciprocating Internal Combustion Engines (RICE). Stationary diesel RICE are an affected source if they are new or reconstructed on or after June 12, 2006. Any diesel RICE operated by Concord that is new or reconstructed on or after June 12, 2006 will be subject to this Maximum Achievable Control Technology (MACT) standard if the engine remains or will remain at the permitted location for more than 12 months, or a shorter period of time for an engine located at a seasonal source. A

seasonal sources remains at a single location on a permanent basis (at least 2 years) and operates 3 months or more each year. Based on the information submitted by Concord, the diesel RICE to be used under MAQP #4692-00 may be subject to this subpart because it was manufactured or reconstructed after June 12, 2006.

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

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

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

1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a person to obtain an air quality permit or permit modification to construct, modify, or use any asphalt plant, crusher or screen that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. Concord has a PTE greater than 15 tons per year (TPY) of particulate matter (PM), PM with an aerodynamic diameter of 10 microns or less (PM₁₀), nitrogen oxides (NO_x), and carbon monoxide (CO); 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. Concord 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. Concord submitted an affidavit of publication of public notice for the September 15, 2011, issue of the *Glendive Ranger-Review*, a newspaper of general circulation in the City of Glendive in Dawson 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 Concord of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq.*
10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.
11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or modified source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.

14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an 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 an air quality permit may be transferred from one person to another if written notice of intent to transfer, including the names of the transferor and the transferee, is sent to the Department.

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

1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.
2. ARM 17.8.818 Review of Major Stationary Sources and Major Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source because it is not a listed source and the facility's PTE is less than 250 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 TPY of any pollutant;
 - b. PTE > 10 TPY of any one hazardous air pollutant (HAP), PTE > 25 TPY of a combination of all HAPs, or lesser quantity as the Department may establish by rule; or
 - c. PTE > 70 TPY of particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing MAQP #4692-00 for Concord, the following conclusions were made:
 - a. The facility's PTE is less than 100 TPY for any pollutant.
 - b. The facility's PTE is less than 10 TPY for any one HAP and less than 25 TPY of all HAPs.
 - c. This source is not located in a serious PM₁₀ nonattainment area.
 - d. This facility is subject to current NSPS (40 CFR 60, Subpart A, Subpart OOO, and potentially Subpart IIII).

- e. This facility is potentially subject to area source provisions of a current NESHAP (40 CFR 63, Subpart A and 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 Concord 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, Concord will be required to obtain a Title V Operating Permit.

III. BACT Determination

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

A. Area Source Fugitive Emissions and Crushing Emissions

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 crushing operation. These two control methods are water and chemical dust suppressant. Chemical dust suppressant could be used on the area surrounding the crushing operation, and for emissions from the crushing 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. Concord may, however, use chemical dust suppressant to assist in controlling particulate emissions from the surrounding plant area.

Concord 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.

Concord 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. Concord 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. Concord may also use chemical dust suppression, in order to maintain compliance with emission limitations in Section II.A of MAQP #4692-00. 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 operation.

B. Diesel Engines

Due to the limited amount of emissions produced by the diesel engine and the lack of readily available cost effective add-on controls, add-on controls would be cost prohibitive. Therefore, the Department determined that proper operation and maintenance with no add-on controls would constitute BACT for the diesel engines.

The permitted diesel engine would be required to be certified to US EPA Tier 2 or better nonroad diesel engine emission standards.

The control options required for the proposed crushing facility are comparable to other recently permitted similar sources, and are capable of achieving the appropriate emission standards.

IV. Emission Inventory

Emission Source	TPY						
	PM	PM ₁₀	PM _{2.5}	NO _x	CO	VOC	SO ₂
Cold Aggregate Storage Piles	6.51	3.08	0.47	--	--	--	--
Cold Aggregate Handling/Conveyors	17.74	6.50	0.15	--	--	--	--
Crusher (900 TPH)	10.64	4.73	0.39				
Haul Roads / Vehicle Traffic	5.68	1.57	0.16	--	--	--	--
Diesel Engine: 1,490 hp @ 4500 hrs *	1.11	1.11	1.11	35.48	19.22	8.43	6.87
Total Emissions	41.69	16.99	2.28	35.48	19.22	8.43	6.87

Notes:

PM Particulate Matter

PM₁₀ Particulate Matter with an aerodynamic diameter of 10 microns or less

PM_{2.5} Particulate Matter with an aerodynamic diameter of 2.5 microns or less

NO_x Nitrogen Oxides

CO Carbon Monoxide

VOC Volatile Organic Compounds

SO₂ Sulfur Dioxide

* Hours of operation are limited for the diesel generator engine to keep maximum annual potential NO_x emissions below the Department's guidance threshold for requiring air dispersion modeling.

Cold Aggregate Storage Piles

Maximum Process Rate = 900 ton/hr (Maximum plant process rate)

Maximum Hours of Operation = 8,760 hrs/yr

Number of Piles = 1 piles (for simplicity, assume 100% of potential capacity discharged to a single pile)

Filterable PM Emissions:

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

Emission Factor = $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00331 \text{ lb/ton}$

Where: k = particle size multiplier = 0.74 (Value for PM < 30 microns per AP 42, Sec. 13.2.4.3, 11/06)

U = mean wind speed = 10 mph (Estimate based on values provided in AP 42, Sec. 13.2.4.3, 11/06)

M = material moisture content = 3% (Estimate based on values provided in AP 42, Sec. 13.2.4.3, 11/06)

Control Efficiency = 50% (Water or chemical spray)

Calculation: $(900 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00331 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ piles}) * (1 - 50/100) = 6.51 \text{ ton/yr}$

Filterable PM₁₀ Emissions:

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

Emission Factor = $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00156 \text{ lb/ton}$

Where: k = particle size multiplier = 0.35 (Value for PM < 10 microns per AP 42, Sec. 13.2.4.3, 11/06)

U = mean wind speed = 10 mph (Estimate based on values provided in AP 42, Sec. 13.2.4.3, 11/06)

M = material moisture content = 3% (Estimate based on values provided in AP 42, Sec. 13.2.4.3, 11/06)

Control Efficiency = 50% (Water or chemical spray)

Calculation: $(900 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00156 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ piles}) * (1 - 50/100) = 3.08 \text{ ton/yr}$

Filterable PM_{2.5} Emissions:

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

Emission Factor = $k (0.0032) * (U/5)^{1.3} * (M / 2)^{-1.4} = 0.00024 \text{ lb/ton}$

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

U = mean wind speed = 10 mph (Estimate based on values provided in AP 42, Sec. 13.2.4.3, 11/06)

M = material moisture content = 3% (Estimate based on values provided in AP 42, Sec. 13.2.4.3, 11/06)

Control Efficiency = 50% (Water or chemical spray)

Calculation: $(900 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.00024 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 \text{ piles}) * (1 - 50/100) = 0.47 \text{ ton/yr}$

Conveyor Transfer Point

Maximum Process Rate = 900 ton/hr (Maximum plant process rate)

Maximum Hours of Operation = 8,760 hrs/yr

Number of Transfers = 3 transfers

Filterable PM Emissions:

Emission Factor = 0.003 lb/ton (0.0030 uncontrolled, 0.00014 controlled, AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 50%

Calculation: $(900 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.003 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ transfer}) * (1 - 50/100) = 17.74 \text{ ton/yr}$

Filterable PM₁₀ Emissions:

Emission Factor = 0.0011 lb/ton (0.00110 uncontrolled, 0.000046 controlled, AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 50%

Calculation: $(900 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.0011 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ transfer}) * (1 - 50/100) = 6.50 \text{ ton/yr}$

Filterable PM_{2.5} Emissions:

Emission Factor = 0.000013 lb/ton (0.000013 controlled, AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 0% (built into emission factor)

Calculation: $(900 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.000013 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (3 \text{ transfer}) = 0.15 \text{ ton/yr}$

Crushing [Jaw Crusher]

Maximum Process Rate = 900 ton/hr (Application information, max plant rate with 1 crusher)

Maximum Hours of Operation = 8,760 hrs/yr

PM Emissions:

Emission Factor = 0.0054 lb/ton (tertiary crushing (uncontrolled), AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 50%

Calculation: $(900 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.0054 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 - 50/100) = 10.64 \text{ ton/yr}$

PM₁₀ Emissions:

Emission Factor = 0.0024 lb/ton (tertiary crushing (uncontrolled), AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 50%

Calculation: $(900 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.0024 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) * (1 - 50/100) = 4.73 \text{ ton/yr}$

PM_{2.5} Emissions:

Emission Factor = 0.0001 lb/ton (tertiary crushing (controlled), AP 42, Table 11.19.2-2, 8/04)

Control Efficiency = 0% (built into emission factor)

Calculation: $(900 \text{ ton/hr}) * (8760 \text{ hrs/yr}) * (0.0001 \text{ lb/ton}) * (\text{ton}/2000 \text{ lb}) = 0.39 \text{ ton/yr}$

Haul Roads

Vehicle Miles Traveled (VMT) per Day = 5 VMT/day (Estimate)

VMT per hour = $(5 \text{ VMT/day}) * (\text{day}/24 \text{ hrs}) = 0.21 \text{ VMT/hr}$

Hours of Operation = 8,760 hrs/yr

PM Emissions:

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

Emission Factor = $k * (s / 12)^a * (W / 3)^b = 12.46 \text{ lb/VMT}$

Where: k = constant = 4.9 lbs/VMT (Value for PM30/TSP, AP 42, Table 13.2.2-2, 11/06)
 s = surface silt content = 7.1 % (Mean value, sand/gravel processing, material storage area, AP 42, Table 13.2.2-1, 11/06)

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

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

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

Control Efficiency = 50% (Water spray or chemical dust suppressant)

Calculation: $(8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (12.46 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) * (1-50/100) = 5.68 \text{ tons/yr}$ (Apply 50% control efficiency)

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 = $k * (s / 12)^a * (W / 3)^b = 3.43 \text{ lb/VMT}$

Where: k = constant = 1.5 lbs/VMT (Value for PM10, AP 42, Table 13.2.2-2, 11/06)

s = surface silt content = 7.1 % (Mean value, sand/gravel processing, material storage area, AP 42, Table 13.2.2-1, 11/06)

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

a = constant = 0.9 (Value for PM10, AP 42, Table 13.2.2-2, 11/06)

b = constant = 0.45 (Value for PM10, AP 42, Table 13.2.2-2, 11/06)

Control Efficiency = 50% (Water spray or chemical dust suppressant)

Calculation: $(8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (3.43 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) * (1-50/100) = 1.57 \text{ tons/yr}$ (Apply 50% control efficiency)

PM_{2.5} Emissions:

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

Emission Factor = $k * (s / 12)^a * (W / 3)^b = 0.34 \text{ lb/VMT}$

Where: k = constant = 0.15 lbs/VMT (Value for PM2.5, AP 42, Table 13.2.2-2, 11/06)

s = surface silt content = 7.1 % (Mean value, sand/gravel processing, material storage area, AP 42, Table 13.2.2-1, 11/06)

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

a = constant = 0.9 (Value for PM2.5, AP 42, Table 13.2.2-2, 11/06)

b = constant = 0.45 (Value for PM2.5, AP 42, Table 13.2.2-2, 11/06)

Control Efficiency = 50% (Water spray or chemical dust suppressant)

Calculation: $(8760 \text{ hrs/yr}) * (0.21 \text{ VMT/hr}) * (0.34 \text{ lb/VMT}) * (\text{ton}/2000 \text{ lb}) * (1-50/100) = 0.16 \text{ tons/yr}$ (Apply 50% control efficiency)

Diesel Engine(s): 1,490 hp

Operational Capacity of Engine = 1,490 hp

Hours of Operation = 4,500 hours (hours of operation are limited to keep maximum annual potential NO_x emissions below the Department's guidance threshold for requiring air dispersion modeling)

Total PM/PM₁₀/PM_{2.5} Emissions:

Emission Factor = 0.000331 lbs/hp-hr (Assume all PM is EPA Tier 2 emission standards)

Calculation: $(4,500 \text{ hours}) * (1,490 \text{ hp}) * (0.000331 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) = 1.11 \text{ ton/yr}$

NO_x Emissions:

Emission Factor = 0.0106 lbs/hp-hr (EPA Tier 2 emission standards, NO_x+HC)

Calculation: $(4,500 \text{ hours}) * (1,490 \text{ hp}) * (0.0106 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) = 35.48 \text{ ton/yr}$

CO Emissions:

Emission Factor = 0.00573 lbs/hp-hr (EPA Tier 2 emission standards)

Calculation: $(4,500 \text{ hours}) * (1,490 \text{ hp}) * (0.00573 \text{ lbs/hp-hr}) * (\text{ton}/2000 \text{ lb}) = 19.22 \text{ ton/yr}$

VOC Emissions:

Emission Factor = 0.00251 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, TOC, Exhaust & Crankcase, 10/96)
Calculation: (4,500 hours) * (1490 hp) * (0.00251 lbs/hp-hr) * (ton/2000 lb) = 8.43 ton/yr Assume TOC = VOC

SO₂ Emissions:

Emission Factor = 0.00205 lbs/hp-hr (AP-42, Sec. 3.3, Table 3.3-1, 10/96)
Calculation: (4,500 hours) * (1,490 hp) * (0.00205 lbs/hp-hr) * (ton/2000 lb) = 6.873 ton/yr

VI. Air Quality Impacts

MAQP #4692-00 is issued for the operation of a portable gravel crushing plant. MAQP #4692-00 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 km of certain PM₁₀ 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 minimal and temporary. The Department determined that the impact from this permitting action will be minor. The Department believes it will not cause or contribute to a violation of any ambient air quality standard.

VII. Ambient Air Impact Analysis

The Department determined that the impact from this permitting action will be minor. Concord has accepted enforceable permit conditions that limit the emissions to levels below the Department thresholds for requiring air dispersion modeling. The Department believes it will not cause or contribute to a violation of any ambient air quality standard.

VII. Taking or Damaging Implication Analysis

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

YES	NO	
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?

YES	NO	
	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
Permitting and Compliance Division
Air Resources Management Bureau
P.O. Box 200901, Helena, MT 59620
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued To: Concord Field Services LLC (Concord)

Montana Air Quality Permit (MAQP) number: 4692-00

Preliminary Determination Issued: 10/25/11

Department Decision Issued: 11/10/11

Permit Final: 11/26/11

1. *Legal Description of Site:* Concord proposes to operate a gravel crushing facility in a home pit located in Section 34, Township 15 North, Range 58 East, in Dawson County. MAQP #4692-00 would apply while operating at any location in Montana except those areas having a Montana Department of Environmental Quality (Department)-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM₁₀) nonattainment area.
2. *Description of Project:* Concord proposes to operate a portable rock crushing facility with a maximum potential production capacity of 900 tons per hour (TPH) at various locations throughout Montana. The plant would run on electricity provided by a diesel generator engine with a maximum rated design capacity of 1,490-brake horsepower (bhp) that is certified to United States Environmental Protection Agency (US EPA) Tier 2 or better emission standards. The proposed action is to issue MAQP #4692-00 allowing the construction and operation of the plant in Dawson County, Montana, and other locations across the state.
3. *Objectives of Project:* The objective of the construction and operation of the rock crushing facility is to produce business and revenue by selling aggregate to support construction projects. The issuance of MAQP #4692-00 would allow Concord to operate the permitted equipment at various locations throughout Montana, including the initial location.
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 Concord 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 Best Available Control Technology (BACT) analysis, would be included in MAQP #4692-00.
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. 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

There is a possibility that terrestrials would use the same area as the crushing operation. Impacts on terrestrials and aquatic life could result from water runoff and pollutant deposition, but such impacts would be minor because the crushing operations would be considered a minor source of emissions. The applicant has indicated that the source would operate on an intermittent and seasonal basis; therefore, actual emissions may be lower than accounted for in the potential to emit (PTE) calculations. There may be water run off from the pollution control of the crushing operation which will require the use of water spray bars for control of particulate emissions. Furthermore, the air emissions would have only minor effects on terrestrial and aquatic life because facility emissions would have good pollutant dispersion in the area of operations (see section 7.F). 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 surrounding roadways, at areas of operation, and pollution control for equipment operations. Application of water spray for dust suppression typically results in the water being evaporated to the atmosphere shortly after its application. Water's dust suppressing capacity is very temporary because of evaporation. Heavy applications of water could create soft mud or penetrate a road to the sub-base which can cause major road failure; therefore, heavy applications are typically not utilized. Consequently, several light applications are preferable to one heavy application. The Department feels that pollutant deposition and water use would cause minor impacts, if any, to water resources in these areas because the facility is a minor source of air emissions and only a relatively small volume of water would be used. While the Department has recommended using water as the primary dust controlling substance, the applicant would have the option of using additional chemical dust suppressants if necessary to control fugitive emissions. Chemical dust suppressants are designed to stay mostly at one place after application and are typically applied

to road surfaces. Although some dust suppressant is washed into the environment after application, the quantities are expected to be relatively small. Overall, the equipment would have minor impacts to water quality, quantity, and distribution in the area of operations.

C. Geology and Soil Quality, Stability and Moisture

The proposed project would have minor impacts on geology, soil quality, stability, and moisture of soils. Minor impacts from deposition of air pollutants on soils would result (as described in Section 7.F of this EA) and minor amounts of water would be used for pollution control and only as necessary in controlling particulate emissions. Thus, minimal water runoff would occur. Since a small amount of pollution would be generated and corresponding emissions would be widely dispersed before settling upon vegetation and surrounding soils (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 and operation would be minor.

D. Vegetation Cover, Quantity, and Quality

The facility would be considered a minor source of emissions by industrial standards and would typically operate in areas previously designated and used for this type of operation. The overall footprint of the facility would be small, so the affect to quantity and quality of vegetative cover in the area would be minimal. There are no known plant species of concern within the project area.

E. Aesthetics

The equipment associated with this project would be visible and audible during operation. MAQP #4692-00 would include conditions to control emissions, including visible emissions, from the operation. The crushing operation would be considered a minor industrial source. The facility would be portable and would operate on an intermittent and seasonal basis; therefore, any aesthetic impacts would be minor and short-lived.

For the proposed project, the facility would be located in privately owned land. The nearest home is approximately 1000 feet south of the pit and belongs to the land owner. The next nearest neighbor is more than a mile away according to the application information. Another gravel pit currently exists and is in use within the same Section as the proposed facility location. Any disturbance to the aesthetic value of the area would be minor. The permittee intends to reclaim the land after the project is complete.

F. Air Quality

Air quality impacts from the proposed project would be minor because the facility would be relatively small and comparable in nature to other similar sources permitted by the Department. MAQP #4692-00 would include conditions limiting the facility's opacity emissions and annual hours of operation for the diesel generator engine. The permit would also limit total emissions from the crushing facility and any additional equipment operated at the site by the same owner to 250 tons per year or less, excluding fugitive emissions.

Further, the Department determined that the crushing facility would be a minor source of emissions as defined under the Title V Operating Permit Program because the source's PTE was below the major source threshold level of 100 TPY for any regulated pollutant. Pollutant deposition from the project would be minimal because the emissions would be well controlled, widely dispersed (from factors such as wind speed and wind direction), and would have minimal deposition on the surrounding area. Therefore, air quality impacts from the project in

this area would be minor. The applicant has indicated that the source would operate on an intermittent and seasonal basis; therefore, actual emissions may be lower than accounted for in the PTE calculations.

G. Unique Endangered, Fragile, or Limited Environmental Resources

In an effort to assess any potential impacts to any unique endangered, fragile, or limited environmental resources, the Department contacted the Montana National Heritage Program (MNHP). Search results concluded there is one known vertebrate animal species of concern located within the vicinity of the facility. The search area, in this case, is defined by the township and range of the proposed site, with an additional one-mile buffer. The MNHP concluded that the Greater Sage-Grouse could be potentially located near the current site location. The Greater Sage-Grouse has a Natural Heritage species status rank of S2 for the state of Montana which implies that their state population is at risk because of very limited and/or potentially declining population numbers, range, and/or habitat, making it vulnerable to extirpation. The preferred habitat of this species is 6 to 18 inch high sagebrush covered benches.

Given the fact that the species of concern would not likely be located within the operational area of the project and the nature of similar permitted crushing operations, any effects on the local populations are expected to be minimal. In addition, initial and typical operations would take place within a previously disturbed industrial site which would not contain the species' preferred habitat, further limiting the potential for impact to any unique endangered, fragile, or limited environmental resource.

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

The proposed project would require a small quantity of water, air, and energy for the project. A minimal volume of water would be required for dust suppression of emissions being generated at the site. Impacts to air resources would be minor because the source is considered a minor industrial source of air emissions. Energy requirements would also be relatively small because the facility would be powered by an industrial diesel engine generator. Therefore, impacts to water, air, and energy resources would be minor.

I. Historical and Archaeological Sites

The Department contacted the Montana Historical Society - State Historical Preservation Office (SHPO) in an effort to identify any historical and archaeological sites that may be present in the proposed area of operation. Search results concluded that there are no previously recorded historical or archaeological resources of concern within the area proposed for initial operation. According to correspondence from the SHPO, there would be a low likelihood of adverse disturbance to any known archaeological or historic site given previous industrial disturbance to the area. Therefore, no impacts upon historical or archaeological sites would be expected as a result of operating the crushing plant. However, if cultural materials are discovered during this project, or any future project location, the Montana Historical Society should be contacted.

J. Cumulative and Secondary Impacts

Overall, the cumulative and secondary impacts from this project on the physical and biological environment in the immediate area would be minor due to the relatively small size and potential environmental impact of the operation. The Department believes that this facility would be expected to operate in compliance with all applicable rules and regulations as outlined in MAQP #4692-00.

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 not cause any disruption to the social structures and mores in the area because the proposed project location is on privately owned land used for agricultural purposes. The source would be a minor industrial source of emissions and is expected to have intermittent operations. The facility would be required to operate according to the conditions placed on MAQP #4692-00 that would limit the effects to social structures and mores.

B. Cultural Uniqueness and Diversity

The proposed facility would be located on private land. The footprint of the project equipment would be small and contained within the gravel pit and predominant use of the area would remain the same. The cultural uniqueness and diversity of this area would not be impacted by the proposed project because the facility would be a portable source, with expected seasonal and intermittent operations. Therefore, the cultural uniqueness and diversity of the area would not be affected.

C. Local and State Tax Base and Tax Revenue

The proposed project would result in minor impacts to the local and state tax base and tax revenue because the proposed project would require two additional employees as well as at least two additional truck drivers. In addition, only minor amounts of construction would be required to complete the project, and the facility would be a minor industrial source of emissions with expected seasonal and intermittent operations.

D. Agricultural or Industrial Production

The proposed project would have a minor impact on local industrial production since the facility would increase aggregate production and air emissions slightly. The facility would be located on private land that is currently used as agricultural. The applicant would apply for a 90 acre bonded permit area for this project. The disturbed areas would no longer be available for agricultural production while the project is underway. Because minimal deposition of air pollutants would occur on the surrounding land, only minor effects on the surrounding vegetation or agricultural production would occur. In addition, the facility operations would be small and temporary in nature. Pollutant deposition from the project would be minimal because the emissions would be well controlled, widely dispersed (from factors such as wind speed and wind direction), and would have minimal deposition on the surrounding area.

E. Human Health

Conditions would be incorporated into MAQP #4692-00 to ensure that the crushing 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. The air emissions from this project would be minimized by the use of water spray bars to control the particulate matter. Furthermore, the applicant has stated that they plan to operate on an intermittent and seasonal basis and therefore only minor impacts would be expected on human health from the proposed facility.

F. Access to and Quality of Recreational and Wilderness Activities

Access to recreational opportunities would not be limited by this facility. The equipment would be initially and typically located within a gravel pit. All recreational opportunities, if available in the area, would still be accessible. Noise from the facility would be minimal to surroundings because of the facility size and expected hours of operation. The applicant has stated that the facility would operate on a seasonal and intermittent basis. The pit is on private land and the Department has determined that the project would be a minor industrial source of emissions. Therefore, any changes in the quality of recreational and wilderness activities created by operating the equipment at this site are expected to be minor.

G. Quantity and Distribution of Employment

The portable crushing operation would be relatively small. As proposed, Concord would employ two workers and at least two truck drivers for the project, so impacts to local employment would be minor. In addition, the project is expected to have seasonal and intermittent operations.

H. Distribution of Population

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

I. Demands for Government Services

There would be a small increase in traffic on existing roadways and highways in the area from the proposed project. 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. Therefore, any impacts to the industrial and commercial activity would be minor.

K. Locally Adopted Environmental Plans and Goals

Concord would be allowed by MAQP #4692-00 to operate in areas designated by the US EPA as attainment or unclassified for ambient air quality. An addendum would be required to operate in or within 10 km of certain PM₁₀ nonattainment area. MAQP #4692-00 would contain 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 are expected to be minor and short-lived.

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 because the source would be portable and the footprint of the facility would remain relatively small. Furthermore, no other industrial operations are expected to result from this permitting action. Any increase in traffic would have minor effects on local traffic in the immediate area.

This facility may be operated in conjunction with other equipment owned and operated by Concord, but any cumulative impacts or secondary impacts are expected to be minor and short-term. In conclusion, the source is relatively small, the facility emissions will be minimal, and the project would have only minor cumulative and secondary impacts.

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 gravel crushing facility. MAQP #4692-00 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

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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