Montana Department of
ENVIRONMENTAL QUALITY
Brian Schweitzer, Governor

P. O. Box 200901 Helena, MT 59620-0901 (406) 444-2544 Website: www.deq.mt.gov

June 14, 2012

Charles Olson
BJ Rees's Enterprise
PO Box 358
Coalville, UT 84017

Dear Mr. Olson:

Montana Air Quality Permit #4743-00 is deemed final as of June 14, 2012, by the Department of Environmental Quality (Department). This permit is for a portable crushing and screening operation. All conditions of the Department's Decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the Department,

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

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

VW:SJ
Enclosure

Montana Department of Environmental Quality
Permitting and Compliance Division

Montana Air Quality Permit #4743-00

BJ Rees's Enterprise
PO Box 358
Coalville, UT 84017

June 14, 2012

MONTANA AIR QUALITY PERMIT

Issued To: BJ Rees's Enterprise
PO Box 358
Coalville, Utah 84017

MAQP: #4743-00
Application Complete: 4/13/2012
Preliminary Determination Issued: 4/25/2012
Department's Decision Issued: 5/29/2012
Permit Final: 6/14/2012
AFS #:777-4743

A Montana Air Quality Permit (MAQP), with conditions, is hereby granted to BJ Rees's Enterprise (Rees's) 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

Rees's proposes to operate a portable crushing, screening, and wash plant which includes the following equipment:

- One (1) 2,153 horsepower (hp) Generator Engine
- One (1) 700 ton per hour (TPH) crusher
- Two (2) 700 TPH screens
- Twenty four (24) 700 TPH conveyors
- Additional emission generating activities including pile forming and haul roads
- Associated equipment

B. Plant Location

Rees's operates a portable crushing and screening operation, which will initially be located at Section 1, Township 15 North, Range 53 East, Dawson County, Montana. However, MAQP # 4743-00 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 (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.

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 17.8.752, ARM 17.8.340 and 40 Code of Federal Regulations (CFR) 60, Subpart OOO):

   - For crushers that commence construction, modification, or reconstruction on or after April 22, 2008: 12% opacity

   - For crushers that commence construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008: 15% opacity

2. All visible emissions from any other NSPS-affected equipment for which the requirements of 40 CFR 60 Subpart OOO are applicable (which potentially includes equipment such as screens and conveyors following a crusher or arranged before the wash plant) shall not exhibit an opacity in excess of the following averaged over six consecutive minutes (ARM 17.8.340 and 40 CFR 60, Subpart OOO):

    - For equipment that commence construction, modification, or reconstruction on or after April 22, 2008: 7% opacity

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

3. All visible emissions from any non-NSPS affected equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752).

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 17.8.752, ARM 17.8.749).

5. Rees's 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. Rees's 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 17.8.752, ARM 17.8.749).

7. Rees's shall not operate more than one crusher at any given time and the maximum rated design capacity of the crusher shall not exceed 700 TPH (ARM 17.8.749).

8. Crushing production is limited to 1,400,000 tons during any rolling 12-month time period (ARM 17.8.749).

9. Rees's shall not operate more than two screens at any given time and the total combined maximum rated design capacity of the screens shall not exceed 700 TPH each (ARM 17.8.749).

10. Screening production is limited to 1,400,000 tons (through each screen) during any rolling 12-month time period (ARM 17.8.749).

11. Rees's shall not operate or have on-site more than one diesel engine/generator. The maximum capacity of the engine that drives the generator shall not exceed 2,153 hp (ARM 17.8.749).

12. Operation of the diesel engine driving the generator shall not exceed 2,000 hours during any rolling 12-month time period (ARM 17.8.1204, ARM 17.8.749).

13. If the permitted equipment is used in conjunction with any other equipment owned or operated by Rees's, 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).

14. Rees's shall comply with all applicable standards and limitations, monitoring, reporting, recordkeeping, testing, and notification requirements contained in 40 CFR 60, Subpart OOO, *Standards of Performance for Nonmetallic Mineral Processing Plants* (ARM 17.8.340 and 40 CFR 60, Subpart OOO).

15. Rees's shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR 60, Subpart IIII, *Standards of Performance for Stationary Compression Ignition Internal Combustion Engines* and 40 CFR 63, Subpart ZZZZ, *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines*, for any applicable diesel engine (ARM 17.8.340; 40 CFR 60, Subpart IIII; ARM 17.8.342 and 40 CFR 63, Subpart ZZZZ).

B. Testing Requirements

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

2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).

3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another location, an Intent to Transfer form must be sent to the Department and a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.749 and ARM 17.8.765).

2. Rees's shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but not be limited to, all sources of emissions identified in the emission inventory contained in the permit analysis.

   Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in the units required by the Department. This information may be used for calculating operating fees, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. Rees's 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. Rees's 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 Rees's 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. Rees's shall document, by month, the crushing production from the facility. By the 25th day of each month, Rees's shall total the crushing production from the facility for the previous month. The monthly information will be used to demonstrate compliance with the rolling 12-month limitation in Section II.A.8. The information for each of the previous months shall be submitted along with the annual emission inventory (ARM 17.8.749).

6. Rees's shall document, by month, the total screening production from the facility. By the 25th day of each month, Rees's shall total the screening production from the facility for the previous month. The monthly information will be used to demonstrate 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).

7. Rees's shall document, by month, the hours of operation of the diesel engine/generator. By the 25th day of each month, Rees's 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).

8. Rees's 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).

D. Notification

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

SECTION III: General Conditions

A. Inspection – Rees's shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (continuous emissions monitoring system (CEMS) or continuous emissions rate monitoring system CERMS)) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.

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

C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving Rees's 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), Montana Code Annotated (MCA). The issuance of a stay on a permit by the Board postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. If a stay is not issued by the Board, the Department's decision on the application is final 16 days after the Department's decision is made.

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

G. Air Quality Operation Fees – Pursuant to Section 75-2-220, MCA, failure to pay the annual operation fee by Rees's 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. Rees's 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
BJ Rees's Enterprise
MAQP #4743-00

I. Introduction/Process Description

BJ Rees's Enterprise (Rees's) owns and operates a portable crushing and screening operation.

A. Permitted Equipment

Rees's portable crushing and screening operation consists of the following equipment:

- One (1) 2,153 brake-horsepower (bhp) Generator Engine
- One (1) 700 ton per hour (TPH) crusher
- Two (2) 700 TPH screens
- Twenty four (24) 700 TPH conveyors
- Additional emission generating activities including pile forming and travel on unpaved road/areas
- Associated equipment

B. Source Description

Rees's initial location and in-state home pit is located at Section 1, Township 15 North, Range 53 East, in Dawson County, Montana *(N47.087080,W-104.952711)*.

C. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT)/Reasonably Available Control Technology (RACT) determinations, air quality impacts, and environmental assessments, is included in the analysis associated with each change to the permit.

II. Applicable Rules and Regulations

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

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

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

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

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

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

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.

5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means that, without resulting in reduction of the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner as to create a public nuisance.

B. ARM 17.8, Subchapter 2 – Ambient Air Quality, including, but not limited to:

1. ARM 17.8.204 Ambient Air Monitoring
2. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
3. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
4. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
5. ARM 17.8.213 Ambient Air Quality Standard for Ozone
6. ARM 17.8.214 Ambient Air Quality Standard for Hydrogen Sulfide
7. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
8. ARM 17.8.221 Ambient Air Quality Standard for Visibility
9. ARM 17.8.222 Ambient Air Quality Standard for Lead
10. ARM 17.8.223 Ambient Air Quality Standard for PM_{10}

Rees's must maintain compliance with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 – Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.

2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of less than 20% for all fugitive emission sources and that reasonable precautions are taken to control emissions of airborne particulate matter. (2) Under this rule, Rees's shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.

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

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

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

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

7. ARM 17.8.340 Standard of Performance for New Stationary Sources and Emission Guidelines for Existing Sources. This rule incorporates, by reference, 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS). Rees's is considered an NSPS affected facility under 40 CFR Part 60 and is subject to the requirements of the following subparts.

   a. 40 CFR 60, Subpart A – General Provisions apply to all equipment or facilities subject to an NSPS Subpart as listed below.

   b. 40 CFR 60, Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants. In order for a crushing plant to be subject to this subpart, the facility must meet the definition of an affected facility and, the affected equipment must have been constructed, reconstructed, or modified after August 31, 1983. Based on the information submitted by Rees's, the portable crushing and screening operation to be used under MAQP #4743-00 is subject to this subpart, dependant on facility layout.

   c. 40 CFR 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (CI ICE). Owners and operators of stationary CI ICE that commence construction after July 11, 2005, where the stationary CI ICE are manufactured after April 1, 2006, and are not fire pump engines, and owners and operators of stationary CI ICE that modify or reconstruct their stationary CI ICE after July 11, 2005, are subject to this subpart. Based on the information submitted by Rees's, the CI ICE equipment to be used under MAQP #4743-00 is not subject to this subpart. However, as the permit is written in a de minimis friendly manner, should the engine be changed out for an engine manufactured after April 1, 2006, this subpart would apply.

8. ARM 17.8.342 Emission Standards for Hazardous Air Pollutants for Source Categories. This rule incorporates, by reference, 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Source Categories. This facility is not a NESHAP-affected source because it does not meet the definition of any NESHAPs Subpart defined in 40 CFR Part 63.

a. 40 CFR 63, Subpart A – General Provisions apply to all equipment or facilities subject to a NESHAPs Subpart as listed below.

b. 40 CFR 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants (HAPs) for Stationary Reciprocating Internal Combustion Engines (RICE). An owner or operator of a stationary reciprocating internal combustion engine (RICE) at a major or area source of HAP emissions is subject to this rule except if the stationary RICE is being tested at a stationary RICE test cell/stand. An area source of HAP emissions is a source that is not a major source.

An owner or operator of a stationary RICE at a major or area source of Hazardous Air Pollutant (HAP) emissions is subject to this rule except if the stationary RICE is being tested at a stationary RICE test cell/stand. An area source of HAP emissions is a source that is not a major source. As Rees's is considered an area source of HAP emissions and operates RICE equipment the engine(s) are potentially subject to this subpart depending upon the location and nature of operation.

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

1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. Rees's submitted the appropriate permit application fee for the current permit action.

2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department.

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

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

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

2. ARM 17.8.743 Montana Air Quality Permits--When Required. This rule requires a person to obtain an air quality permit or permit modification to construct, modify, or use any asphalt plant, crusher or screen that has the potential to emit (PTE) greater than 15 tons per year of any pollutant. Rees's has a PTE greater than 15 tons per year of oxides of nitrogen, carbon monoxide, particulate matter, particulate matter with an aerodynamic diameter of 10 microns or less, and particulate matter with an aerodynamic diameter of 2.5 microns or less; 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. Rees's 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. Rees's submitted an affidavit of publication of public notice for the April 15, 2012 issue of the *Glendive Ranger-Review*, a newspaper of general circulation in the Town 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 Rees's of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.740, *et seq*.

10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.

11. ARM 17.8.762 Duration of Permit. An air quality permit shall be valid until revoked or modified, as provided in this subchapter, except that a permit issued prior to construction of a new or modified source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.

12. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).

13. ARM 17.8.764 Administrative Amendment to Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions as a result of those changed conditions. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, Subchapters 8, 9, and 10.

14. ARM 17.8.765 Transfer of Permit. (1) This rule states that an MAQP may be transferred from one location to another if the Department receives a complete notice of intent to transfer location, the facility will operate in the new location for less than 1 year, the facility will comply with the FCAA and the Clean Air Act of Montana, and the facility complies with other applicable rules. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of intent to transfer, including the names of the transferor and the transferee, is sent to the Department.

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

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

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

This facility is not a major stationary source because it is not a listed source and the facility's PTE is less than 250 tons per year of any pollutant.

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 #4743-00 for Rees's, 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 current NSPS (40 CFR 60 Subparts A, OOO and potentially 40 CFR 60, Subpart IIII).

e. This facility is potentially subject to current NESHAP standards (40 CFR 63, Subpart ZZZZ).

f. This source is not a Title IV affected source.

g. This source is not a solid waste combustion unit.

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

Rees's 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.

i. 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. Rees's shall install on the new or modified source the maximum air pollution control capability which is technologically practicable and economically feasible, except that BACT shall be utilized.

Diesel Generator Engine Emissions

Generally, any newer diesel engines would likely be required to comply with the federal engine emission limitations including, for example, EPA Tier emission standards for non-road engines (40 CFR Part 1039), New Source Performance Standard emission limitations for stationary

compression ignition engines (40 CFR 60, Subpart IIII), or National Emissions Standards for Hazardous Air Pollutant Sources for Reciprocating Internal Combustion Engines (40 CFR 63, Subpart ZZZZ).

The Department has determined that compliance with any applicable federal standards, with no additional controls, constitutes BACT for the engine.

Process and Fugitive Particulate 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/or chemical dust suppressant. Chemical dust suppressant could be used for dust suppression on the area surrounding the operation and for emissions from the operation. However, because water is more readily available, is more cost effective, is often equally effective as chemical dust suppressant, and is more environmentally friendly, water has been identified as the most appropriate method of pollution control of particulate emissions for the general plant area. In addition, water suppression has been required of recently permitted similar sources. Individual site circumstances may, however, necessitate the use of chemical dust suppressant to assist in controlling particulate emissions from the surrounding plant area. The Department determined that use of water and/or chemical dust suppressant would be considered BACT.

IV. Emission Inventory**

BJ Rees's Enterprise							
MAQP #4743-00							
Crushing/Screening/Wash Plant							
Source	**PM**	**PM_{10}**	**$PM_{2.5}$**	**NO_X**	**CO**	**SO_X**	**VOC**
Generator Engine (2153 bhp)	4.74	4.74	4.74	66.74	14.38	4.41	5.41
Crusher (700 TPH)	2.10	0.84	0.05				
JCI Screens (2 @ 700 TPH))	5.04	3.08	2.87				
Transfer Points (700 TPH)	2.65	0.87	0.25				
Piles (1 pile @700 TPH for calculation purposes)	22.00	10.41	1.58				
Haul Roads	4.18	1.51	0.15				
TOTAL:	**36.53**	**19.93**	**9.48**	**66.74**	**14.38**	**4.41**	**5.41**

a. A plant-wide hours of operation / throughput limitation was requested by the applicant, reflective of 2,000 hours per year. The purpose of the requested limit is to maintain a synthetic minor status with respect to the Title V Operating Program, with secondary purposes of limiting potential emissions to that more reflective of the actual operations expected for this source.

** bhp = brake horsepower
hp = horsepower
hr = hour
CO = carbon monoxide
lb = pound
MPH = miles per hour
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_X = oxides of sulfur
TPH = tons per hour
TPY = tons per year
VOC = volatile organic compounds
yr = year

2153 bhp Generator Engine

Maximum rated hp:	2153	hp
Hours of operation:	2000	hr/yr

$PM/PM_{10}/PM_{2.5}$

Emissions Factor:	0.0022	lb/hp-hr	(AP-42 Table 3.3-1, 10/1996)	
Calculations:	0.0022lb/hp-hr*2153hp=		4.74	lb/hr
	4.7366lb/hr*2000hr/yr*0.0005 ton/lb =		**4.74**	**ton/yr**

NO_X

Emissions Factor:	0.031	lb/hp-hr	(AP-42 Table 3.3-1, 10/1996)	
Calculations:	0.031lb/hp-hr*2153hp=		66.74	lb/hr
	66.743lb/hr*2000hr/yr*0.0005 ton/lb =		**66.74**	**ton/yr**

CO Emissions

Emissions Factor:	0.00668	lb/hp-hr	(AP-42 Table 3.3-1, 10/1996)	
Calculations:	0.00668lb/hp-hr*2153hp=		14.38	lb/hr
	14.38204lb/hr*2000hr/yr*0.0005 ton/lb =		**14.38**	**ton/yr**

SO_X Emissions

Emissions Factor:	0.00205	lb/hp-hr	(AP-42 Table 3.3-1, 10/1996)	
Calculations:	0.00205lb/hp-hr*2153hp=		4.41	lb/hr
	4.41365lb/hr*2000hr/yr*0.0005 ton/lb =		**4.41**	**ton/yr**

VOC Emissions

Emissions Factor:	0.002514	lb/hp-hr	(AP-42 Table 3.3-1, 10/1996)	
Calculations:	0.0025141lb/hp-hr*2153hp=		5.41	lb/hr
	5.4128573lb/hr*2000hr/yr*0.0005 ton/lb =		**5.41**	**ton/yr**

700 TPH Crusher

Maximum Rated Capacity:	700	TPH
Operating Hours:	2000	hr/yr
	1,400,000	TPY Crushing Limit

PM Emissions

Emissions Factor:	0.003	lb/ton	(AP-42 Table 11.19.2-2, 8/2004)	
Calculations:	0.003lb/ton*700TPH=		2.1	lb/hr
	2.1lb/hr*2000hr/yr*0.0005ton/lb =		**2.10**	ton/yr

PM_{10} Emissions

Emissions Factor:	0.0012	lb/ton	(AP-42 Table 11.19.2-2, 8/2004)	
Calculations:	0.0012lb/ton*700TPH=		0.84	lb/hr
	0.84lb/hr*2000hr/yr*0.0005ton/lb =		**0.84**	ton/yr

$PM_{2.5}$ Emissions

Emissions Factor:	0.00007	lb/ton	(AP-42 Table 11.19.2-2, 8/2004)	
Calculations:	0.00007lb/ton*700TPH=		0.049	lb/hr
	0.049lb/hr*2000hr/yr*0.0005ton/lb =		**0.05**	ton/yr

700 TPH Screens (2)

Maximum Rated Capacity:	700	TPH
Operating Hours:	2000	hr/yr

PM Emissions

Emissions Factor:	0.0036	lb/ton	(AP-42 Table 11.19.2-2, 8/2004)	
Calculations:	0.0036lb/ton*700TPH=		2.52	lb/hr
	2.52lb/hr*2000hr/yr*0.0005 ton/lb =		**2.52**	**ton/yr**
			5.04	**ton/yr**

PM_{10} Emissions

Emissions Factor:	0.0022	lb/ton	(AP-42 Table 11.19.2-2, 8/2004)	
Calculations:	0.0022lb/ton*700TPH=		1.54	lb/hr
	1.54lb/hr*2000hr/yr*0.0005 ton/lb =		**1.54**	**ton/yr**
			3.08	**ton/yr**

$PM_{2.5}$ Emissions

Emissions Factor:	0.00205	lb/ton	linear extrapolation y = 2*10^-05(x) + 0.002	
Calculations:	0.00205lb/ton*700TPH=		1.435	lb/hr
	1.435lb/hr*2000hr/yr*0.0005 ton/lb =		**1.44**	**ton/yr**
			2.87	**ton/yr**

Transfer Points

Maximum Throughput:	700	TPH
Hours of Operation:	2000	hr/yr
Transfer Points:	27	transfer points
24 conveyors + feeder		(see application)

PM Emissions

Emissions Factor:	0.00014	lb/ton	(AP-42 Table 11.19.2-2, 8/2004)		
Calculations:	0.00014lb/ton*700TPH*27transfer points=			2.646	lb/hr
	2.646lb/hr*2000hr/yr*0.0005ton/lb =			**2.65**	**ton/yr**

PM_{10} Emissions

Emissions Factor:	0.000046	lb/ton	(AP-42 Table 11.19.2-2, 8/2004)		
Calculations:	0.000046lb/ton*700TPH*27transfer points=			0.8694	lb/hr
	0.8694lb/hr*0.00014lb/ton*700TPH*27transfer points=*0.0005ton/lb =			**0.87**	**ton/yr**

$PM_{2.5}$ Emissions

Emissions Factor:	0.000013	lb/ton	(AP-42 Table 11.19.2-2, 8/2004)		
Calculations:	0.000013lb/ton*700TPH*27transfer points=			0.2457	lb/hr
	0.2457lb/hr*0.000046lb/ton*700TPH*27transfer points=*0.0005ton/lb =			**0.25**	**ton/yr**

Piles

For calculation purposes, 1 pile at 700 TPH accounts for product piles

AP-42 13.2.4

Process Rate:	700	TPH	
Hours of Operation	2000	hr/year	(MAQP Condition)

$$E := k(0.0032)\frac{\left(\frac{U}{5}\right)^{1.3}}{\left(\frac{M}{2}\right)^{1.4}}$$

	PM	PM_{10}	$PM_{2.5}$	
k =	0.74	0.35	0. 053	
U =	9.1	MPH - average of statewide wind speeds from NOAA		
M =	0.55	average of controlled moisture contents - AP-42 Table 11.19.2-2 note b (some moisture control is assumed to meet general opacity requirements)		

PM Emissions

Emissions Factor = 0.031435 lb/ton handled

Calculations: 0.0314346573743194lb/ton handled*700TPH= 22.00426 lb/hr

22.0042601620236*2000hr/year*0.0005= **22.00** **ton/yr**

PM_{10} Emissions

Emissions Factor = 0.014868 lb/ton handled

Calculations: 0.0148677433527186lb/ton handled*700TPH= 10.40742 lb/hr

10.407420346903*2000hr/year*0.0005= **10.41** **ton/yr**

$PM_{2.5}$ Emissions

Emissions Factor = 0.002251 lb/ton handled

Calculations: 0.00225140113626882lb/ton handled*700TPH= 1.5759808 lb/hr

1.57598079538818*2000hr/year*0.0005= **1.58** **ton/yr**

Haul Roads and Front Loader Traffic

(AP-42 13.2.2, 11/2006)

$$E := k \cdot \left(\frac{s}{12}\right)^{a} \cdot \left(\frac{W}{3}\right)^{b}$$

Constant	Industrial Roads (Equation 1a)		
	PM-2.5	PM-10	PM-30*
k (lb/VMT)	0.15	1.5	4.9
a	0.9	0.9	0.7
b	0.45	0.45	0.45
c	-	-	-
d	-	-	-
Quality Rating	B	B	B

k, a, b = empirical constants
s = suface material silt content (%)
W = mean Vehicle Weight (tons)

Vehicle Miles Traveled = 5 miles/day (estimated)

PM Emissions

Emissions Factor Development:

k =	4.9	
a =	0.7	
b =	0.45	
s =	4.8	(AP-42 Table 13.2.2-1, 11/2006)
W =	50	tons
E =	9.15	lb/VMT

Calculations:

9.151lb/VMT*5miles/day (estimated)=	45.76	lb/day
45.7551533899344lb/day*365 day/yr =	16700.63	lb/yr
16700.6309873261lb/yr*0.0005ton/lb =	8.35	ton/yr

50 % control efficiency (AP-42 Figure 13.2.2-2 and MAQP Condition II.A.5)
(Department Guidance)

8.35031549366303ton/yr*0.50 =	**4.18**	**ton/yr**

PM_{10} Emissions

Emissions Factor Development:

k =	1.5	
a =	0.9	
b =	0.45	
s =	7.1	(AP-42 Table 13.2.2-1, 11/2006)
W =	50	tons
E =	3.32	lb/VMT

Calculations:

3.317lb/VMT*5miles/day (estimated)=	16.59	lb/day

16.5867994294458lb/day*365 day/yr =	6054.18	lb/yr
6054.1817917477lb/yr*0.0005ton/lb =	3.03	ton/yr

50 % control efficiency (AP-42 Figure 13.2.2-2 and MAQP Condition II.A.5)
(Department Guidance)

3.02709089587385ton/yr*0.50 =	**1.51**	**ton/yr**

$PM_{2.5}$ Emissions

Emissions Factor Development:

k =	0.15	
a =	0.9	
b =	0.45	
s =	7.1	(AP-42 Table 13.2.2-1, 11/2006)
W =	50	tons
E =	0.33	lb/VMT

Calculations:

0.332lb/VMT*5miles/day (estimated)=	1.66	lb/day
1.65867994294458lb/day*365 day/yr =	605.42	lb/yr
605.41817917477lb/yr*0.0005ton/lb =	0.30	ton/yr

50 % control efficiency (AP-42 Figure 13.2.2-2 and MAQP Condition II.A.5)
(Department Guidance)

0.302709089587385ton/yr*0.50 =	**0.15**	**ton/yr**

V. Existing Air Quality

The initial location of this portable crushing and screening operation is listed as attainment/unclassifiable for all pollutants. MAQP #4743-00 applies while operating at any location in Montana, except those areas having a Department-approved permitting program, areas considered tribal lands, or areas in or within 10 kilometers (km) of certain particulate matter with an aerodynamic diameter of 10 microns or less (PM_{10}) nonattainment areas.

VI. Air Quality Impacts

This facility is a portable source with limitations on hours of operation and total production. Based on the limitations and conditions of the permit, the conservatively estimated emissions, and the expected intermittent and likely temporary and seasonal operations of the facility, the Department believes impacts to air quality will be minor.

VII. Ambient Air Impact Analysis

Based on the information provided and the conditions established in MAQP #4743-00, the Department determined that the impact from this permitting action will be expected to be minor.

VIII. Taking or Damaging Implication Analysis

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

YES	NO	
XX		1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
	XX	2. Does the action result in either a permanent or indefinite physical occupation of private property?
	XX	3. Does the action deny a fundamental attribute of ownership? (ex.: right to exclude others, disposal of property)
	XX	4. Does the action deprive the owner of all economically viable uses of the property?
	XX	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?
	XX	6. Does the action have a severe impact on the value of the property? (consider economic impact, investment-backed expectations, character of government action)
	XX	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?
	XX	7a. Is the impact of government action direct, peculiar, and significant?
	XX	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged or flooded?
	XX	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?
	XX	Takings or damaging implications? (Taking or damaging implications exist if YES is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if NO is checked in response to questions 5a or 5b; the shaded areas)

Based on this analysis, the Department determined there are no taking or damaging implications associated with this permit action.

IX. Environmental Assessment

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

Analysis Prepared By: Shawn Juers
Date: 4/16/2012

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

FINAL ENVIRONMENTAL ASSESSMENT (EA)

Issued To: BJ Rees's Enterprise
PO Box 358
Coalville, Utah 84017

Montana Air Quality Permit number: 4743-00

Preliminary Determination Issued: 4/25/2012
Department Decision Issued: 5/28/2012
Permit Final: 6/14/2012

1. *Legal Description of Site*: Section 1, Township 15 North, Range 53 East, in Dawson County, Montana.

2. *Description of Project*: Portable crushing and screening operation with an associated wash plant.

3. *Objectives of Project*: To provide crushed, screened, and washed mineral products 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 BJ Rees's Enterprise (Rees's) 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 Montana Air Quality Permit (MAQP) #4743-00.

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			XX			Yes
B	Water Quality, Quantity, and Distribution			XX			Yes
C	Geology and Soil Quality, Stability and Moisture			XX			Yes
D	Vegetation Cover, Quantity, and Quality			XX			Yes
E	Aesthetics			XX			Yes

F	Air Quality			XX			Yes
G	Unique Endangered, Fragile, or Limited Environmental Resources			XX			Yes
H	Demands on Environmental Resource of Water, Air and Energy			XX			Yes
I	Historical and Archaeological Sites			XX			Yes
J	Cumulative and Secondary Impacts			XX			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 would be a possibility that terrestrials would use the same area as the project location. Based on the conditions and limitations which would be placed in MAQP #4743-00, this operation would be a relatively minor source of emissions by industrial standards. Further, the operation would be expected to operate on an intermittent and seasonal manner. Therefore, only minor effects would be expected to terrestrial or aquatic life and habitats.

B. Water Quality, Quantity and Distribution

Water usage would be required for operations of the wash plant and for dust suppression from the process and unpaved haul roads and plant operations area. In reviewing the information submitted to the Department in application for MAQP #4743-00, Rees's plans include discharge of process water from the wash plant into a settling pond after which the treated water is recycled back into the process. Only minor impacts to water quality, quantity, or distribution would be expected.

C. Geology and Soil Quality, Stability and Moisture

The crushing and screening operation would be expected to have only minor impacts on soils in any proposed site location because the facility would use only relatively small amounts of water by industrial standards, partially for purposes of pollution control, and would be expected to have seasonal and intermittent operations. Crushing, screening, and wash plant operations would not be expected to have any more than minor affects upon geology and soil quality, stability, and moisture at any proposed operational site.

D. Vegetation Cover, Quantity, and Quality

Deposition of pollutants may affect vegetation cover, quantity, and quality in the surrounding area. MAQP #4743-00 would contain limitations and conditions to control the allowable amount of those emissions. Operations complying with the conditions and limitations which would be placed in MAQP #4743-00 would minimize emissions and therefore minimize impacts. The Department would expect no more than minor impacts to vegetation cover, quantity, and quality as a result of operation of the plant in accord to permit conditions.

E. Aesthetics

Minor impacts would be expected as the equipment associated with this plant would be visible and would create noise.

F. Air Quality

MAQP #4743-00 would include conditions and limitation which limit the amount of allowable emissions from the project. Dust suppression from process equipment and on surrounding unpaved plant area and haul roads would be required as necessary. Operational limits would be placed in MAQP #4743-00 to keep potential emissions to relatively minor levels. The Department determined that compliance with all applicable permit conditions would be expected to result in only minor effects to the local air quality.

G. Unique Endangered, Fragile, or Limited Environmental Resources

In an effort to identify any unique endangered, fragile, or limited environmental resources in the proposed initial location, the Department requested a file search of the Natural Resource Information System of the Montana Natural Heritage Program. The file search results included two species occurrence reports for two species of special concern, the Ferruginous Hawk and the Burrowing Owl.

The Ferruginous Hawk has a state species status of S3B. S3 signifies that the species is potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas. B signifies that the species is at risk during breeding season, but common in the winter.

The Ferruginous Hawk is a large broad winged hawk whose preferred habitat includes the arid and semiarid grassland regions of North America. During the breeding season, the preference is for grasslands, sage, and other arid shrub country. The Ferruginous Hawk is one of the most adaptable nesters of the raptors.

The Burrowing Owl also has a state species status of S3B. The Burrowing Owl is a small but long legged owl found throughout open landscapes of North and South America. The nesting season begins in late March or April. Burrowing Owls are usually monogamous, but occasionally a male will have two mates. Their typical breeding habitat is open grassland or prairie, but they can occasionally adapt to other open areas.

The Burrowing Owl is endangered in Canada, threatened in Mexico, and a species of special concern in most of the western states.

As discussed in Section A, D, and F above, impacts to Terrestrials, Vegetation Cover, Quantity, and Quality, and Air Quality would be expected to be minor. Therefore, the Department would expect minor impacts to these species.

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

This source would be considered an intermittent and portable source. Demands would be placed on water, for the wash plant and emissions control, on air due to the emissions associated with this plant, and energy via the diesel generator engines. The overall demands on water, air, and energy would be expected to be minor.

I. Historical and Archaeological Sites

The Department contacted the Montana Historical Society for a cultural resource file search for the initial project location. According to these records, there have been no previously recorded sites within the designated search locale. The Department would expect minor, if any, impacts to any historical or archaeological sites associated with this project.

J. Cumulative and Secondary Impacts

The Department determined minor impacts expected to the individual physical and biological considerations above. Cumulatively and secondarily, the Department would categorize expected impacts as 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			XX			Yes
B	Cultural Uniqueness and Diversity			XX			Yes
C	Local and State Tax Base and Tax Revenue			XX			Yes
D	Agricultural or Industrial Production			XX			Yes
E	Human Health			XX			Yes
F	Access to and Quality of Recreational and Wilderness Activities			XX			Yes
G	Quantity and Distribution of Employment			XX			Yes
H	Distribution of Population			XX			Yes
I	Demands for Government Services			XX			Yes
J	Industrial and Commercial Activity			XX			Yes
K	Locally Adopted Environmental Plans and Goals			XX			Yes
L	Cumulative and Secondary Impacts			XX			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 Department would expect minimal impacts or changes to the accepted traditional customs and usages of the area, and the patterned social arrangements which form the society as a whole as a result of this project alone. The project would be intermittent, likely seasonal, and would be permitted as a portable source. Employment of up to 10 employees would be expected.

B. Cultural Uniqueness and Diversity

The Department would expect minimal effects to cultural uniqueness and diversity as the source would be expected to operate on an intermittent and likely seasonal basis. Employment would not be expected to exceed 10 employees. Further, the project would be permitted as a portable source.

C. Local and State Tax Base and Tax Revenue

The source would be permitted as a portable source, with intermittent and likely seasonal operations. Operations would be expected to require 8 to 10 employees. No more than minor impacts to local and state tax base and revenue would be expected.

D. Agricultural or Industrial Production

As discussed in Section 7.D above, impacts to vegetation cover, quantity, and quality would be expected to be minor. Installation and operation of the crushing and screening operation itself would result in minor impacts to agricultural operations. A slight increase in industrial activity would be expected as a result of increased traffic in the area. Impacts to agricultural and industrial production would be expected to be minor.

E. Human Health

MAQP #4743-00 would contain limitations and conditions derived from rules designed to protect public health. The Department would expect minor impacts to human health.

F. Access to and Quality of Recreational and Wilderness Activities

The Department is not aware of any direct impact to access of recreational and wilderness activities. As discussed in Section 7 E, impacts from noise and the visual impact of the equipment would be expected to be minor. The Department would expect minor impacts to the quality of recreational and wilderness activities.

G. Quantity and Distribution of Employment

The operation of this plant is expected to require up to 10 employees. The operation would be expected to operate on an intermittent, seasonal, and likely temporary basis. The Department would not expect any more than minor impacts to quantity and distribution of employment.

H. Distribution of Population

The operation of this plant is expected to require up to 10 employees. The operation would be expected to operate on an intermittent, seasonal, and likely temporary basis. No more than minor impacts to distribution of employment would be expected.

I. Demands for Government Services

Demands for government services as a result of issuance of MAQP #4743-00 would include review of related reporting requirements and future permitting needs. Minor increases would be expected in traffic on existing roadways in the area. An overall minor demand for Government services would be expected.

J. Industrial and Commercial Activity

The Department would expect only a minor increase in the industrial activity in the given area because of the relatively small size of the operations and the portable and temporary nature of the facility.

K. Locally Adopted Environmental Plans and Goals

The Department is not aware of any locally adopted environmental plans or goals that would be affected by the proposed project. MAQP #4743-00 contains operational restrictions for protecting air quality and to keep facility emissions in compliance with any applicable ambient air quality standards. Because the proposed crushing/screening facility would be a portable source and would likely have intermittent and seasonal operations, any impacts from the project would be expected to be minor.

L. Cumulative and Secondary Impacts

The Department would expect minor impacts to the individual economic and social considerations above. Cumulatively and secondarily, impacts would be expected to be minor.

Recommendation: No Environmental Impact Statement (EIS) is required.

The current permitting action is for the construction and operation of a portable crushing and screening operation. MAQP #4743-00 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

EA prepared by: Shawn Juers
Date: 4/18/2012