

July 23, 2021

Scott Puppe and Luke Puppe
ES Stone and Structure, Inc.
PO Box 28
Ryegate, MT 59074

Sent via email to: lukepuppe@yahoo.com

**RE: Approval of Application to Amend Operating Permit No. 00163 (Amendment 008) –
ES Stone and Structure, Inc.**

Dear Mr. Scott Puppe and Mr. Luke Puppe,

On July 14, 2020, ES Stone and Structure, Inc. (ES Stone) submitted an application to amend Operating Permit No. 00163 (Amendment 008) to the Montana Department of Environmental Quality (DEQ) to reduce the number of sites within the multi-quarry permit from 21 to 8 by (1) the removal from the permit of 3 sites (currently Sites #6, 8, and 9) that were withdrawn during the permitting process, (2) the removal of 4 sites (currently Sites #3, 5, 7, and 10) that have had full bond release approved by DEQ; and (3) the combination of several sites into two: a) Current Sites #13, 14, 16, 17 and 21 would be combined to proposed Site #6 and b) Current Sites #18 and 19 would be combined to proposed Site #7. Additionally, permit and permitted disturbance area would be added to proposed Site #7, increasing the total permit area for Operating Permit No. 00163 from 7,195 acres to 7,786 acres. Site #7 is located approximately 4 miles northwest of Vaughn in Cascade County.

Revised versions of the application were submitted to DEQ on October 27, 2020, February 10, 2021, and April 1, 2021. A draft permit and compliance document were issued on April 12, 2021. A permit issued by DEQ would authorize ES Stone to add permit and permitted disturbance area to proposed Site #7.

DEQ published the Draft Environmental Assessment (EA) on June 8, 2021, which analyzed the possible environmental impacts of the Proposed Action. DEQ identified the Proposed Action as the preferred alternative. A 30-day public comment period was initiated after publication of the Draft EA. On July 23, 2021, DEQ issued a Final EA. No comments were received during the public comment period. The decisions contained in this decision document are based on the analysis documented in the Final EA.

DEQ's Decisions

DEQ has applied the significance criteria, according to the Administrative Rules of Montana (ARM) 17.4.608, to determine the significance of potential impacts on the human environment. After applying those criteria, DEQ has determined that preparation of an EA is the appropriate level of review under the Montana Environmental Policy Act (MEPA). A summary of DEQ's review of the significance criteria is included in the Final EA.

DEQ has decided to approve ES Stone's application for Amendment 008, selecting Alternative 2 (the Proposed Action), as described in the Final EA. Pending approval, the approved amendment allows ES Stone to mine the proposed added disturbance area at Site #7. Before commencing activity authorized by this permit, the permittee must be in compliance with Title 75, Chapter 2, Montana Code Annotated (MCA) as amended, Title 75, Chapter 5, MCA, as amended, Title 75, Chapter 6, MCA, as amended, and administrative rules adopted pursuant to these laws. Based on the application information submitted by ES Stone, DEQ has determined ES Stone to be in compliance with these statutory provisions.

Pursuant to Sections 82-4-337(1)(h)(i), MCA and 82-4-338, MCA, ES Stone is required to file with DEQ a reclamation bond in a form and amount determined by DEQ. Amendment 008 does not expand the proposed disturbance acreage beyond the acreage proposed under the current reclamation bond calculation. Therefore, DEQ does not require any additional bond to be posted before final approval of Amendment 008. A final permit will be issued concurrently with this decision notice.

Appeal of DEQ's Decisions

Legal actions seeking review of DEQ's approval of ES Stone's application for an amendment must be filed within 90 days from the date of this decision document under Section 82-4-349(1), MCA. Any action or proceeding alleging a failure by DEQ to comply with MEPA, or inadequate compliance with a MEPA requirement, must be brought within 60 days after issuance of this decision document pursuant to Section 75-1-201(5)(a)(ii), MCA.

Sincerely,

A handwritten signature in blue ink that reads "Dan Walsh". The signature is written in a cursive style with a large initial "D".

Dan Walsh
Chief, Mining Bureau
Air, Energy and Mining Division
Montana Department of Environmental Quality
email: dwalsh@mt.gov
phone: (406) 444-6791

File: 00163.3