

December 14, 2020

Rob Koelzer
Schellinger Construction Co., Inc.
PO Box 39
Columbia Falls, MT 59912

Sent via email to: robk@schellingerconst.com

RE: Approval of Application to Amend Operating Permit No. 00045 (Amendment 001) – Schellinger Construction Co., Inc.

Dear Mr. Koelzer,

On June 19, 2020, Schellinger Construction Co., Inc. (Schellinger) submitted an application to amend Operating Permit No. 00045 (Amendment 001) to the Montana Department of Environmental Quality (DEQ) to expand the permitted disturbance area at the Essex Quarry (Operating Permit No. 00045). The quarry is located near Essex, approximately 28 miles southeast of West Glacier in Flathead County, Montana, and produces construction aggregate, railroad ballast, and rip rap. A revised version of the application was submitted to DEQ on September 24, 2020, and a draft permit and “completeness and compliance” document were issued by DEQ on October 21, 2020. A final permit, issued by DEQ, would authorize Schellinger to expand its permit area and permitted disturbance.

DEQ issued a Draft Environmental Assessment (Draft EA) on November 9, 2020 to analyze the potential environmental impacts of the proposed operation. DEQ requested comments from the public on the proposed action; however, no comments were received. Therefore, DEQ made no changes to the EA and considers the draft to now represent the final environmental assessment (Final EA).

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 Schellinger’s application for Amendment 001, selecting Alternative 2 (the Proposed Action), as described in Final EA. Pending bond submittal and approval, the approved amendment would allow Schellinger to expand its permit area and permitted disturbance area. Before commencing activity authorized by this amendment, 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

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application information submitted by Schellinger, DEQ has determined Schellinger to be in compliance with these statutory provisions.

Pursuant to Sections 82-4-337(1)(h)(i) and 82-4-338, MCA, Schellinger is required to file with DEQ a reclamation bond in a form and amount determined by DEQ. DEQ will calculate the bond in accordance with Section 82-4-338, MCA, and is required to provide Schellinger with the bond determination within 40 days of the date of this decision document (Section 82-4-337(2)(c), MCA). Final permit approval may not be issued until Schellinger submits, and DEQ accepts, the corresponding bond.

Appeal of DEQ's Decisions

Legal actions seeking review of DEQ's approval of Schellinger's application for 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, Hard Rock Mining Bureau
Air, Energy and Mining Division
Montana Department of Environmental Quality
(406) 444-6791 or dwalsh@mt.gov

File: 00045.3