

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Environmental Assessment

Water Protection Bureau

Name of Project: United States Army Corps of Engineers (USACE) Fort Peck Project (Fort Peck dam)

Location of Project: Missouri River

City/Town: Fort Peck

County: McCone

Type of Project: Montana Pollutant Discharge Elimination System (MPDES) permit renewal for a major industrial treatment works.

Description of Project:

The Water Protection Bureau is renewing an MPDES permit to regulate point source discharges of pollutants to state surface waters from sump, non-contact cooling water, and pass-through aquarium water outfalls in the Fort Peck Project.

The Montana Department of Environmental Quality (DEQ) received an application and fees from the United States Army Corps of Engineers (USACE) for renewal of MT0031551 on October 5, 2015 (2016 MPDES application). DEQ deemed the application complete and proposed to renew the applicant's permit.

Agency Action and Applicable Regulations:

The proposed action is to renew the MPDES permit for a five-year cycle.

ARM Title 17, Chapter 30, Subchapter 2 – Water Quality Permit Application and Annual Fees.

ARM Title 17, Chapter 30, Subchapter 5 – Mixing Zones in Surface and Ground Water.

ARM Title 17, Chapter 30, Subchapter 6 – Surface Water Quality Standards.

ARM Title 17, Chapter 30, Subchapter 7 – Nondegradation of Water Quality.

ARM Title 17, Chapter 30, Subchapter 12 – MPDES Effluent Limitations and Standards, Standards of Performance, and Treatment Requirements

ARM Title 17, Chapter 30, Subchapter 13 – MPDES Permits

Montana Water Quality Act, MCA 75-5-101 *et. seq.*

Summary of Issues:

The permit will ensure compliance with the Montana Water Quality Act and protection of the beneficial uses of the receiving waters. The reissuance of this permit retains the previous limits for temperature, pH, and oil and grease, and removes the water quality-based effluent limit for oil and grease for outfalls 001 and 007. The permit includes technology-based effluent limitations (TBELs) in the form of best management practices to limit oil and grease pollution for outfalls 001, 007. Two outfalls are added with this renewal. Outfall 003 discharges non-contact cooling water, and outfall 014 discharges pass-through aquarium water. A TBEL for temperature is applied to outfall 003. No limit is applied to outfall 014. Outfall 023 is removed in this renewal.

Affected Environment & Impacts of the Proposed Project:

Y = Impacts may occur.

N = Not present or No Impact will likely occur.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?	[N] No impact will likely occur.
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	[N] No impact will likely occur. Effluent limitations will protect designated and existing uses of the Missouri River.
3. AIR QUALITY: Will pollutants or particulates be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] No impact will likely occur.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] No plants identified as species of concern are likely present in Township 026N041E.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] The habitat in Township 026N041E, including the receiving water and intake water, is used by several species of concern. Six fish species of concern are blue sucker, shortnose gar, sturgeon chub, paddlefish, sauger, and pallid sturgeon. Eight avian species of concern are golden eagle, great blue heron, burrowing owl, greater sage grouse, piping plover, Caspian tern, loggerhead shrike, least tern. The reptile species of concern is greater short-horned lizard. The amphibian species of concern is the plains spadefoot toad. Two mammal species of concern are the hoary bat and little brown myotis. Sage grouse are listed as likely to be present around the receiving water, however, the MT Sage Grouse Habitat Conservation Program map indicates that the Missouri River in the vicinity of the outfall locations is not in sage grouse habitat. Effluent limitations will protect important wildlife.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[N] No impact will likely occur. Threatened and endangered species may be present in Township 026N041E. Effluent limitations will protect threatened and endangered species. Pallid sturgeon (endangered), piping plover (threatened), and least tern (endangered) may be found in or along the receiving water. No plant species identified as threatened or endangered are likely present in Township 026N041E.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
7. SAGE GROUSE EXECUTIVE ORDER: Is the project proposed in core, general or connectivity sage grouse habitat, as designated by the Sage Grouse Habitat Conservation Program (Program) at: http://dnrc.mt.gov/divisions/cardd/sage-grouse/ ? If yes, did the applicant attach documentation from the Program showing compliance with Executive Order 12-2015 and the Program's recommendations? If so, attach the documentation to the EA and address the Program's recommendations in the permit. If project is in core, general or connectivity habitat and the applicant did not document consultation with the Program, refer the applicant to the Sage Grouse Habitat Conservation Program.	[N] DEQ has verified the facility is not within core, general, or connectivity sage grouse habitat.
8. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] No impact will likely occur.
9. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[N] No impact will likely occur.
10. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project? Will new or upgraded powerline or other energy source be needed)	[N] No impact will likely occur.
11. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] No impact will likely occur.

IMPACTS ON THE HUMAN ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
12. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N] No impact will likely occur.
13. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N] No impact will likely occur.
14. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] No impact will likely occur.
15. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] No impact will likely occur.
16. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] No impact will likely occur.

IMPACTS ON THE HUMAN ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
17. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N] The facility complies with the Missouri River Mainstem Reservoir System Master Water Control Manual, the Program Management Plan for Implementing the Omaha District's Water Quality Management Program, and the Fort Peck Dam/ Fort Peck Lake Master Plan with Integrated Programmatic EA.
18. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] No impact will likely occur. The Fort Peck Project manages water levels in Fort Peck Lake and flows in the Missouri River below the dam. Management will maintain recreational and wildlife uses that currently exist.
19. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N] No impact will likely occur.
20. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] No impact will likely occur.
21. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N] No impact will likely occur.
22. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N] Not present.
23(a). PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[N] Not present.
23(b). PRIVATE PROPERTY IMPACTS: Is the agency proposing to deny the application or condition the approval in a way that restricts the use of the regulated person's private property? If not, no further analysis is required.	[N] Not present.
23(c). PRIVATE PROPERTY IMPACTS: If the answer to 21(b) is affirmative, does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives. The agency must disclose the potential costs of identified restrictions.	[N] Not present.

24. Description of and Impacts of other Alternatives Considered: None

25. Summary of Magnitude and Significance of Potential Impacts: None

26. Cumulative Effects: None

27. Preferred Action Alternative and Rationale:

The preferred action is to reissue the MPDES permit. This action is preferred because the permit program provides the regulatory mechanism for protecting water quality by enforcing the terms of the MPDES permit.

Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

Rationale for Recommendation: An EIS is not required under the Montana Environmental Policy Act (MEPA) because the project lacks significant adverse effects to the human and physical environment.

28. Public Involvement:

A 30-day public comment period will be held.

29. Persons and agencies consulted in the preparation of this analysis: None

EA Checklist Prepared By:

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Approved By:

Jon Kenning, Chief
Water Protection Bureau

Date