

DEPARTMENT OF ENVIRONMENTAL QUALITY

Environmental Assessment

Water Quality Division
Water Protection Bureau

Name of Project: Petroleum Cleanup General Permit (General Permit MTG790000)

Type of Project: The General Permit covers discharges of water from corrective actions involving aboveground or underground storage tanks used to store gasoline, diesel fuel, kerosene, jet fuel, heating oil or the transportation of these materials (including pipelines). Pollutants at petroleum cleanup sites may include benzene, toluene, ethyl benzene and xylene (BTEX), methyl tertiary-butyl ether (MTBE), oil and grease, volatiles, acid compounds, and base/neutral compounds. Discharges from petroleum cleanup activities can be continuous or intermittent.

Location of Project: Statewide (Except A-1, A-Closed waterbodies, and Indian Reservations)

Description of Project: Reissuance of the statewide General Permit. The renewed permit will establish effluent limits and monitoring and reporting requirements for discharges at petroleum cleanup sites. Owners or operators of proposed projects must apply for authorization and receive written approval from the Department to be covered under the General Permit. Effluent limitations in the permit will ensure compliance with water quality standards.

Agency Action and Applicable Regulations: The proposed action is to reissue the General Permit. The actions in this EA will fall under:

- Montana Water Quality Act 75-5-101, *et seq.*
- Administrative Rules of Montana (ARM) Chapter 17:
 - Subchapter 2 – Fees
 - Subchapter 5 - Mixing Zones in Surface and Ground Water
 - Subchapter 6 - Montana Surface Water Quality Standards and Procedures
 - Subchapter 7 - Nondegradation of Water Quality
 - Subchapter 12 and 13 - Montana Pollutant Discharge Elimination System

Summary of Issues: Prior to any discharge, the applicant must submit applicable surface water and/or groundwater analyses including all parameters in 40 Code of Federal Regulations (CFR) Part 122, Appendix D, Table II, excluding pesticides. If the petroleum cleanup site seeking authorization was active before or during 1995, a lead sample analysis must also be submitted prior to discharge. If the analyses demonstrate that toxic pollutants are present, other than what is expected in petroleum cleanup fuels, discharge is prohibited under this General Permit.

All new sources/facilities must contact both the Montana Natural Heritage Program (MNHP) and the Montana State Historical Preservation Office (SHPO) for project review.

Benefits and Purpose of Action: Treated wastewater discharged at petroleum cleanup sites that meet effluent limits in the General Permit will protect water quality and beneficial uses of state waters.

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] Flow must be monitored and must not cause erosion to streambeds or banks. If necessary, flow dissipation devices or rip rap must be installed to reduce/control erosion.
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] Discharges authorized under this General Permit must be treated to effluent limits, which are set at nondegradation values to protect water quality.
3. Air Quality: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones?	[N] In some cases, volatilized pollutants may require additional treatment, such as vapor phase carbon adsorption, to control pollutant discharges to air. Coverage under this permit does not relieve the permittee from applicable air quality standard requirements. In such cases, an air quality permit would be required.
4. Vegetation Cover, Quantity and Quality: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] The General Permit requires consultation with the Montana Natural Heritage Program before authorization to insure there will be no significant impacts on vegetative communities.
5. Terrestrial, Avian and Aquatic Life and Habitats: Is there substantial use of the area by important wildlife, birds or fish?	[N] The General Permit requires consultation with the Montana Natural Heritage Program before authorization to insure no significant impact on wildlife. Additionally, discharges must meet water quality standards that will protect aquatic life in the receiving water.
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] The General Permit requires consultation with the Montana Natural Heritage Program before authorization to insure there will be no significant impacts on threatened or endangered species. Additionally, DEQ may deny requests to discharge into an area of unique ecological or recreational significance.
7. Sage Grouse Executive Order No. 12-2015	[N] Projects within designated sage grouse habitat will be addressed through the Montana Sage Grouse Habitat Conservation Program. The program has a role of consultation, recommendation, and facilitation, and has no authority to approve or deny a project. Certain limitations or conditions may apply to a project within designated sage grouse habitat. Any recommendations or mitigations determined by the program are provided to the project proponent in a consultation letter. The resulting consultation letter is required with the submitted Notice of Intent form to DEQ before authorization can occur.
8. Historical and Archaeological Sites: Are any historical, archaeological or paleontological resources present?	[N] The General Permit requires consultation with the Montana State Historical Preservation Office before authorization to insure there will be no significant impacts on historical or archaeological sites.
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] Petroleum cleanup projects require the installation of water treatment equipment or facilities. However, the benefit of the cleanup project outweighs possible aesthetic concerns. No significant impacts are expected.
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 significant impacts are anticipated for these types of projects in regard to limited resources or energy needs.
11. Impacts on Other Environmental Resources: Are there other activities nearby that will affect the project?	[N] No significant impacts on other environmental resources have been identified.

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 significant impacts are anticipated. The cleanup of petroleum products should in fact improve possible health or safety risks in the area.
13. Industrial, Commercial and Agricultural Activities and Production: Will the project add to or alter these activities?	[N] No significant impacts are anticipated.
14. Quantity and Distribution of Employment: Will the project create, move or eliminate jobs? If so, estimated number.	[N] No significant impacts are anticipated.
15. Local and State Tax Base and Tax Revenues: Will the project create or eliminate tax revenue?	[N] No significant impacts are anticipated.
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 significant impacts are anticipated.
17. Locally Adopted Environmental Plans and Goals: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N] Permittees are required to comply with local ordinances. DEQ is not aware of any other local environmental plans or regulations that would apply to authorizations under the PCGP. In addition, it does not exempt permittees from any such plans, regulations, or permits. No significant impacts are anticipated.
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] The PCGP does not exempt permittees from any local, state, or federal regulations regarding public access or right of way, or any state or federal wilderness recreation area rules. No significant impacts are anticipated.
19. Density and Distribution of Population and Housing: Will the project add to the population and require additional housing?	[N] No significant impacts are anticipated.
20. Social Structures and Mores: Is some disruption of native or traditional lifestyles or communities possible?	[N] No significant impacts are anticipated.
21. Cultural Uniqueness and Diversity: Will the action cause a shift in some unique quality of the area?	[N] No significant impacts are anticipated.
22. Other Appropriate Social and Economic Circumstances:	[N] No significant impacts are anticipated.
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.	[NA]
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.	[NA]

Impacts on the Human Environment	
Resource	[Y/N] Potential Impacts and Mitigation Measures
<p>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.</p>	[NA]

- 23. **Description of and Impacts of other Alternatives Considered:** The majority of petroleum cleanup projects in the state of Montana do not discharge to state waters. The operators/owners of these projects work closely with Petroleum Cleanup Section at DEQ to determine alternatives for discharging treated wastewater from petroleum cleanup projects.
- 24. **Summary of Magnitude and Significance of Potential Impacts:** Pollutants of concern are limited to nondegradation values to protect aquatic life, human health, and quality of state surface waters. No significant impacts are anticipated.
- 25. **Cumulative Effects:** None foreseen.
- 26. **Preferred Action Alternative and Rationale:** Reissue the General Permit because it provides the regulatory mechanism for protecting water quality by enforcing the Montana Water Quality Act and rules.

Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

Rationale for Recommendation: There will be no significant adverse impacts on the physical, biological, or social portion of the human and natural environment.

- 27. **Public Involvement:** There will be a public comment period and public hearing for the proposed General Permit, including this EA.
- 28. **Persons and agencies consulted in the preparation of this analysis:** None

EA Checklist Prepared By: Haley Sir, November 2019

Approved By:

_____ DRAFT _____
 Jon Kenning, Chief
 Water Protection Bureau

_____ Date _____