

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Environmental Assessment

Water Protection Bureau

Name of Project: Montana Rail Link Wastewater Treatment Facility

Location of Project: Township 2S Range 10E Section 7

City/Town: Livingston

County: Park

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

Description of Project:

The Montana Rail Link (MRL) wastewater treatment facility is an existing, privately owned treatment works. The facility treats industrial wastewater, primarily from floor and engine washing, as well as industrial storm water. The facility has a maximum daily flow of 0.109 million gallons per day (mgd), and an annual average flow of 0.005 mgd.

The Montana Department of Environmental Quality (DEQ) received a renewal application from MRL for renewal of MPDES discharge permit No. MT0000388 on November 15, 2016. DEQ deemed the application complete in a letter to the permittee dated November 28, 2016, and proposed to renew the applicant's permit.

Agency Action and Applicable Regulations:

The proposed action is to renew the MPDES permit for another 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. Effluent limits for cadmium, copper and zinc are revised in this permit.

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. This facility is long established and represents no new impacts.
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. Retained effluent limitations will protect designated and existing uses of the receiving water.
3. AIR QUALITY: Will pollutants or particulates be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] Not present.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] No impact will likely occur. This facility is long established and represents no new impacts. There are three identified plant species of concern within the township and range of the facility, the Scarlet Ammannia, Sitka Columbine, and the Slim-pod Venus' looking-glass. The facility is long established is the reissuance of the MPDES permit is not likely to impact these species.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] No impact will likely occur. Effluent limitations will protect aquatic/wildlife uses.
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?	<p>[N] No impact will likely occur.</p> <p>Based on a review of the Montana Natural Heritage Program (MNHP) species of concern database, the Yellowstone Cutthroat Trout are an aquatic species of concern residing within the township and range of the facility. Effluent limits in the permit protect aquatic life and the reissuance of the MPDES permit is not likely to impact this species.</p> <p>The MNHP review identified four bird species of concern and four mammal species of concern. Bird species of concern include the Sprague's Pipit, Golden Eagle, Sagebrush Sparrow, and the Long Billed Curlew. Mammal species of concern include Townsend's Big-eared Bat, Wolverine, Hoary Bat and Grizzly Bear. The facility is long established is the reissuance of the MPDES permit is not likely to impact these species.</p> <p>The MNHP review identified three plant species of concern. The facility is long established is the reissuance of the MPDES permit is not likely to impact these species.</p>

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/cadd/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] No impact will likely occur. DEQ has determined that the facility is not located within a core area, connectivity area, or in general sage grouse habitat.
8. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] No impact will likely occur. This facility is long established and represents no new impacts
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. This facility is long established and represents no new impacts
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. This facility is long established and represents no new impacts.
11. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] Not present. No other nearby activities that would affect the project are known.

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. This facility is long established and represents no new impacts.
13. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N] No impact will likely occur. This facility is long established and represents no new impacts
14. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] No impact will likely occur. This facility is long established and represents no new impacts
15. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] No impact will likely occur. This facility is long established and represents no new impacts
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. This facility is long established and represents no new impacts

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] No impact will likely occur. This facility is long established and represents no new impacts
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. This facility is long established and represents no new impacts
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. This facility is long established and represents no new impacts
20. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] No impact will likely occur. This facility is long established and represents no new impacts
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:

Derek Fleming, July 2019

Approved By:

<u>DRAFT</u>	
Jon Kenning, Chief	Date
Water Protection Bureau	