

**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Environmental Assessment**

**Water Protection Bureau**

**Name of Project:** Sunlight Business Park

**Type of Project:** discharge of treated domestic wastewater to ground water under the Montana Ground Water Pollution Control System (MGWPCS) permit program.

**Location of Project:** Section 31 and 32, Township 2 North, Range 3 West, Jefferson County  
Latitude: 45.87844 Longitude: -112.01012

**City/Town:** Whitehall

**County:** Jefferson

**Description of Project:** This Environmental Assessment (EA) is for a renewal of MGWPCS permit (MTX000192) for the Sunlight Basin Park (facility). The MGWPCS permit reauthorizes the Jefferson Local Development Corporation (permittee) to discharge treated wastewater from a subsurface discharge structure (Outfall 001) into Class I ground water. The scope of this EA addresses the operation and discharge of the wastewater treatment and disposal system. The magnitude and significance of potential impacts are summarized below (bullet #26).

**Agency Action and Applicable Regulations:** The proposed action is to reissue an individual MGWPCS permit that contains effluent limits and effluent monitoring requirements. The permit is issued under the authority of the Montana Water Quality Act, the Montana Ground Water Pollution Control System, and the Montana Numeric Water Quality Standards in the Department Circular DEQ-7.

**Summary of Issues:** The purpose of this action is to regulate the discharges of pollutants to state waters from the regulated facility. Issuance of an individual permit will require the permittee to implement, monitor, and manage practices to prevent pollution and the degradation of ground water.

**Affected Environment & Impacts of the Proposed Project:**

Y = Impacts may occur (explain under Potential Impacts).

N = Not Present or No Impact will likely occur.

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
<b>RESOURCE</b>	<b>[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES</b>
<p>1. <b>GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:</b> Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?</p>	<p>[N] No significant impacts have been identified.</p> <p>All discharge structures authorized by this permit are required to undergo DEQ design review under the Sanitation in Subdivisions Act and/or the Public Water Supply Act.</p>
<p>2. <b>WATER QUALITY, QUANTITY AND DISTRIBUTION:</b> 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?</p>	<p>[N]</p> <p>The facility covered under this permit must show evidence of treatment capable of meeting the established effluent limitation which was derived from the most restrictive ground water quality standards and nondegradation-nonsignificance criteria. This effluent limitation, along with special conditions and standard conditions of the permit has been developed to maintain the beneficial uses of all state ground waters including drinking water. Facilities must be able to meet this restrictive effluent limitation prior to discharge.</p> <p>Ground water monitoring at the hydraulically downgradient boundary of the mixing zone is maintained within the permit renewal. Please refer to the Fact Sheet document for further details.</p> <p>All discharge disposal structures must meet the minimum set back requirements which includes surface water, flood plains, ditches and springs. The applicant is encouraged to contact and consult with the Public Water, Subdivision and State Revolving Fund programs at DEQ:</p> <p><a href="http://deq.mt.gov/Water/SurfaceWater/DesignApprovals">http://deq.mt.gov/Water/SurfaceWater/DesignApprovals</a></p>
<p>3. <b>AIR QUALITY:</b> Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?</p>	<p>[N]</p>

**IMPACTS ON THE PHYSICAL ENVIRONMENT**

	<p>The continued operation of this facility will not impact air quality.  <a href="http://deq.mt.gov/Air">http://deq.mt.gov/Air</a></p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?</p>	<p>[N] This facility is currently built. The location has been identified by the Natural Heritage Database as having one occurrence of a vegetative species of concern within one mile of the site. Annual Indian Paintbrush is that species of concern.</p> <p>Active weed management practices should be a priority to eradicate or contain infestations.</p>
<p>5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?</p>	<p>[N] The system subject to this renewal is already constructed. The Natural Heritage Database identifies three bird species of concern with occurrences within one mile of the site and two species of bats. There is one bat roosting site identified within the one mile study area.</p> <p>Species of concern are:        Great Blue Heron, Pinyon Jay, Bald Eagle, Hoary Bat and Spotted Bat.</p>
<p>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>	<p>[N]</p> <p>See #4 and #5 above. All discharge disposal structures must meet the minimum set back requirements which include surface water, flood plains, ditches and springs. The applicant is encouraged to contact and consult with the Public Water, Subdivision and State Revolving Fund programs at DEQ:  <a href="http://deq.mt.gov/Water/SurfaceWater/DesignApprovals">http://deq.mt.gov/Water/SurfaceWater/DesignApprovals</a></p> <p>Site and habitat inventories for the applicable species were recommended in consultation with the Montana Natural Heritage Program. The applicant is encouraged to contact and consult with this program or other Natural Resource Information Programs available at the Montana State Library: <a href="http://nris.msl.mt.gov/">http://nris.msl.mt.gov/</a></p>
<p>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: <a href="https://sagegrouse.mt.gov/">https://sagegrouse.mt.gov/</a></p>	<p>[N]</p> <p>The project site is not listed as being located within sage grouse habitat. DEQ referred to the Habitat and Occurrence mapping program at <a href="https://sagegrouse.mt.gov/projects/">https://sagegrouse.mt.gov/projects/</a>. If there are questions about Sage Grouse at this site, the applicant must contact</p>

<b>IMPACTS ON THE PHYSICAL ENVIRONMENT</b>	
	and consult with the Sage Grouse Habitat Conservation Program at: <a href="https://sagegrouse.mt.gov/">https://sagegrouse.mt.gov/</a> .
8. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] The subject facility for renewal of this permit is already constructed.  A general recommendation by the Montana State Historic Preservation Office (MSHPO) states that in the event that cultural materials are inadvertently discovered, the permittee should contact the MSHPO office for investigation.
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] The subject facility for renewal of this permit is already constructed.  Most drainfields are constructed sub surface. Most wastewater treatment systems are enclosed within buildings located on pre-disturbed lands previously used for agriculture practices.
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 power line or other energy source be needed?	[N] The subject facility for renewal of this permit is already constructed. The Business Park will be using ground water from a local Public Water Supply well.
11. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N]

<b>IMPACTS ON THE HUMAN ENVIRONMENT</b>	
12. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[Y] The subject facility for renewal of this permit is already constructed. The presence of permitted wastewater treatment systems provides for control of treated discharge to groundwater.
13. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N] The subject facility for renewal of this permit is already constructed. The renewal of this permit will not affect these uses.
14. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] The operation and maintenance of the wastewater treatment system may also result in permanent jobs.

**IMPACTS ON THE HUMAN ENVIRONMENT**

<p>15. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?</p>	<p>[N] The renewal of this discharge permit will not change the tax base.</p>
<p>16. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?</p>	<p>[N] The subject facility for renewal of this permit is already constructed. There may be minimal traffic for the operation and maintenance of the wastewater treatment system.</p>
<p>17. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?</p>	<p>[N] Wastewater treatment systems may be owned and operated by local communities or sewer districts. These systems are a vital tool in protection of their own public and environmental health.</p>
<p>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?</p>	<p>[N] There are no wilderness or recreational accessed through this tract.</p>
<p>19. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?</p>	<p>[N] The subject facility for renewal of this permit is already constructed. The renewal of this project will not add to the population of the area.</p>
<p>20. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?</p>	<p>[N] Disruption of native or traditional lifestyles or communities will not be changed by the renewal of this permit.</p>
<p>21. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?</p>	<p>[N] There will be no change in cultural uniqueness or diversity associated with the renewal of this permit.</p>
<p>22. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</p>	<p>[N] The continued operation of this facility under a renewed permit should have no effect on this.</p>
<p>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.</p>	<p>[N]</p>
<p>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.</p>	<p>[N]</p>

## IMPACTS ON THE HUMAN ENVIRONMENT

23(c). PRIVATE PROPERTY IMPACTS: If the answer to 23(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] No significant impacts were identified in 23(b).

### 24. **Description of and Impacts of other Alternatives Considered:**

- A. **No Action:** Under the “No Action” alternative, the Department would not issue this ground water discharge permit. “No Action” may lead to the creation of non-permitted wastewater systems. This may result in a net negative impact to ground water quality as the permit would prevent pollution and degradation of state waters.
- B. **Approval with Modification:** The Department has not identified any necessary modifications to grant approval.

### 25. **Cumulative Effects:**

The ground water in the vicinity of the existing discharge structure is Class III ground water with a specific conductance greater than 1,000  $\mu\text{S}/\text{cm}$ . DEQ has developed effluent limitations based on water quality standards to maintain the beneficial uses of this state ground water. The permit prohibits pollution of state waters. The permit includes monitoring, reporting, and corrective action requirements to establish, confirm, and maintain compliance with permit limitations. Please refer to the Fact Sheet document for additional information.

### 26. **Summary of Magnitude and Significance of Potential Impacts:**

Impacts were assessed with the assumption that the facility will comply with the terms and conditions of the permit. Violations of the permit could lead to significant adverse impacts to state waters. Violations of the permit are not an effect of the agency action since the permit itself forbids such activities. However, the Department has taken steps to ensure that violations do not occur. The Department provides assistance to applicants in understanding and implementing the requirements of the permit. The Department also conducts periodic inspections of permitted facilities, and identifies potential problems with design or management practices. If violations of the permit do occur, the Department will take appropriate action under the water quality act. Enforcement

sanctions for violations of the permit include injunctions, civil and administrative penalties, and cleanup orders.

27. **Preferred Action Alternative and Rationale:** The preferred action is to reissue the existing individual MGWPCS discharge permit. This action is preferred since the permit provides a regulatory mechanism for protecting ground water quality by applying effluent limits and monitoring requirements to the discharged wastewater.

**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 because the project lacks significant adverse effects to the human and physical environment.

28. **Public Involvement:**

Legal notice information for water quality discharge permits are listed at the following website: <http://deq.mt.gov/Public/notices/wqnotices>. Public comments on this proposal are invited any time prior to close of business on **January 2, 2020**. Comments may be directed to:

DEQWPBPublicComments@mt.gov

or to:

Montana Department of Environmental Quality  
Water Protection Bureau  
PO Box 200901  
Helena, MT 59620

All comments received or postmarked prior to the close of the public comment period will be considered in the formulation of the final permit. DEQ will respond to all substantive comments pertinent to this permitting action and may issue a final decision within thirty days of the close of the public comment period.

All persons, including the applicant, who believe any condition of the draft permit is inappropriate, or that DEQ's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing). All public comments received for this draft permit will be included in the administrative record and will be available for public viewing during normal business hours.

Copies of the public notice are mailed to the applicant, state and federal agencies, and interested persons who have expressed interest in being notified of permit actions. A copy of the distribution list is available in the administrative record for this draft permit. Electronic copies of the public notice, draft permit, fact sheet, and draft environmental assessment are available at the following website: <http://deq.mt.gov/Public/notices/wqnotices>.

Any person interested in being placed on the mailing list for information regarding this permit may contact the DEQ Water Protection Bureau at (406) 444-5546 or email [DEQWPBPublicComments@mt.gov](mailto:DEQWPBPublicComments@mt.gov). All inquiries will need to reference the permit number (MTX000192), and include the following information: name, address, and phone number.

During the public comment period provided by the notice, DEQ will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing.

**29. Persons and/or Agencies Consulted or Referenced in the Preparation of this Analysis:**

Montana State Historic Preservation Society  
Montana Natural Heritage Program  
Montana Bureau of Mines and Geology:

- Ground Water Information Center
- Ground Water Investigation Program
- Ground Water Assessment Program

Natural Resource Information System, Montana State Library  
United States Department of Agriculture, Natural Resources Conservation Service Soil Survey  
United States Geological Survey, Publication Warehouse

**EA Checklist Prepared By:**

Rich Morse

November 2019

**Approved By:**

Jon Kenning, Chief  
Water Protection Bureau

**DRAFT**

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Signature

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Date