DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITTING AND COMPLIANCE DIVISION
WASTE AND UNDERGROUND TANK MANAGEMENT BUREAU
SOLID WASTE SECTION

PROGRAMMATIC ANALYSIS
LICENSURE OF PREVIOUSLY APPROVED SEPTAGE LAND APPLICATION SITES
FOR THE JUSTIFICATION OF A CATEGORICAL EXCLUSION
PURSUANT TO ARM 17.4.607

JUSTIFICATION FOR A CATEGORICAL EXCLUSION

The preparation of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), pursuant to the Montana Environmental Policy Act (MEPA), is not required for the actions that qualify for a "categorical exclusion". The phrase "categorical exclusion" refers to a type of action which does not individually, collectively, or cumulatively require an EA or an EIS, as justified by a programmatic review.

The following programmatic review describes an action that seldom, if ever, causes significant impact. The programmatic review also provides the procedures whereby circumstances that could cause an otherwise excluded action to potentially have significant environmental impacts are appropriately analyzed.

The land application of domestic septage is an economical and environmentally sound practice and alternative to waste water treatment disposal in most areas in Montana. A properly managed land application program can benefit from the reuse of the organic matter and nutrients in the waste without adversely affecting public health. The land application of domestic septage is considered the beneficial use of a waste product when the material is applied in accordance with the laws and rules governing land application. The Department of Environmental Quality (Department) believes that a categorical exclusion from preparation of an EA or EIS for the licensure of previously approved septage land application sites is justified by the following programmatic review.

DESCRIPTION OF PROJECT – SUMMARY OF PROGRAMMATIC ANALYSIS

Section 75-10-1210 Montana Code Annotated (MCA) requires all persons engaged in the business of cleaning cesspools, septic tanks, or privies, or disposing of septage in the State of Montana obtain a license from the Department. The license for such activity is issued by the Department's Septic Tank Pumper (STP) program. Applicant's wishing to obtain an STP license must include, as part of the completed application package, the details of each disposal site proposed for use. The approvals for disposal sites are provided to the applicant/licensee, not to the site. Therefore, even though a site may already be approved for use by a licensed pumper, additional licensed pumpers wishing to use the same site must obtain their own approvals from the site owner/operator, the local governing officials, and the Department.

Land application sites are subject to certain restrictions (see Appendix A) and must be approved for use at the local level by the land owner, the local planning/zoning officer, and the local county health officer or sanitarian. These signatures acknowledge the site meets all local health, planning, and zoning ordinances and the site is suitable for the proposed activity and there is adequate acreage available for the proposed use. In addition, before such use is allowed, the land application site

must be approved by the Department and listed on the user's license. A *"New Disposal Site Application Form"* is included in Appendix B. All land application disposal site application forms must include the landowner signature and must be signed by the local governing authorities before it is submitted to the Department for approval.

Before new land application sites are approved, the Department conducts an Environmental Assessment (EA) for the proposed site to identify the impacts the proposed activity may have on the physical and human environments. Although the EA focuses on the site, the analysis actually addresses the potential impacts on and around the site. Because the application process requires the submittal of specific site information including site ownership, the plan of operation, the volume and type of material proposed for land application, and information pertaining to natural site-specific characteristics, land application sites are reviewed, analyzed, and approved by the Department on a case-by-case basis.

BENEFITS AND PURPOSE OF PROJECT: The benefits and purpose of the project are to provide for clear and consistent evaluation and analysis of land application sites while maintaining protection of human health and the environment. The Department has a standardized application form for the submittal of information to facilitate the review and approval of sites proposed for land application. The standardized form maximizes the efficiency of both the decision-making and licensing process for the applicant.

This programmatic analysis supports a categorical exclusion for the approval of land application sites that have previously been the subject of a focused EA for the site. If the Department concludes that the completed application meets the criteria set out in this programmatic analysis, and that the original EA performed on the site identified the impacts pertaining to the proposed use(s), then no further analysis under MEPA is required. New land application sites, that have not been the subject of a focused EA, will continue to be analyzed using the more detailed EA process currently in place. The process described herein allows for a more efficient allocation of Department solid waste staff and resources towards licensing and compliance activities for new sites and for larger, more complex solid waste management systems.

BACKGROUND INFORMATION:

As provided in §75-10-1210, MCA, all persons engaged in the business of cleaning cesspools, septic tanks, or privies, or disposing of septage in the State of Montana are required to obtain a license from the Department. The Septage Disposal – License (SDL) laws outlined in Section 17, Chapter 50, Subchapter 8 of the Administrative Rules of Montana (ARM) identify the wastes subject to regulation. Before a license is issued to a person engaged in the business of collecting these wastes, the proposed disposal site(s) must be approved by the site owner/operator, the local governing authority, and the Department. All approved disposal sites are listed on the license that is issued to the person or business collecting the wastes.

The potential disposal sites for waste subject to regulation by the SDL include wastewater treatment facilities, septage processing or composting facilities, Class II landfills, or land application sites. Because wastewater treatment facilities, septage processing or composting facilities, and Class II landfills are already regulated by the Department for the management of these wastes, the Department's approval of these sites is not subject to further analysis under MEPA. At the present time, all proposed land application sites are currently subject to an EA by the Department regardless of whether or not the site has been the subject of a focused EA.

AGENCY ROLES AND RESPONSIBILITIES: The Department is responsible for ensuring activities proposed under the SDL are in compliance with the law and with other State and Federal regulations. Licenses issued pursuant to these regulations do not confer any property rights to a licensee. Each licensee is responsible for obtaining any special use permits and complying with other applicable agency, county, and local/city restrictions and requirements.

Upon receipt of an application for the approval of a land application site that has already been the subject of an EA, the Department will review the application for completeness to ensure that all required elements of the application are provided. Department staff will then review the previous EA developed for the site to ensure the impacts for the proposed use(s) were analyzed and that there is adequate acreage available for the proposed use. Site characteristics will be reviewed to ensure the natural site geologic and hydrologic attributes will support the additional waste volumes. The State Historic Preservation Office (SHPO) will be contacted for information on the cultural resources of the proposed project area. The Natural Heritage Program (NHP) will be contacted for an inventory of terrestrial and/or aquatic species in the area that may be impacted by the proposed activity. The results of the SHPO and NHP reviews may determine whether or not a more in-depth analysis, via an EA or EIS, is required. If the outcome of the application review reveals the site will support the additional waste volume and a more in-depth analysis is not necessary, the application will be approved and the site will be added to the applicant's license as an approved disposal location. If a more in-depth analysis is necessary, Department staff will follow the process for the development of an EA for the proposed waste volume.

IMPACTS AND AFFECTED ENVIRONMENTS

The impacts to the physical, biological, social, and economic environments resulting from the approval of land application sites that have been previously subjected to the EA process are presented in Tables 1 and 2. The current requirements limit land application to levels that are protective of human health and the environment. In addition, licensee's are required to submit semi-annual reports of their operations. Department staff also periodically inspects the land application sites to ensure compliance with the SDL and the site specific Operation and Maintenance Plan.

TABLE 1 - POTENTIAL IMPACTS ON THE PHYSICAL ENVIRONMENT

PHYSICAL ENVIRONMENT	Major	Moderate	Minor	No	Unknown	Attached
1. SITE GEOLOGY & SOIL QUALITY - STABILITY & MOISTURE: Are there unusual geologic features?				**X**		
Will the surface features be changed?				**X**		
Are fragile, compactible or unstable soils present?				**X**		
Are there special reclamation considerations?				**X**		
2. WATER QUALITY, QUANTITY & DISTRIBUTION: Are important surface or ground water resources present?				**X**		
Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?				X		
3. AIR QUALITY: Will pollutants or particulate be produced?				X		
Is the project influenced by air quality regulations or zones (Class I air-shed)?				**X**		
4. DEMANDS ON ENVIRONMENTAL RESOURCES OR LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area?				**X**		
Are there other activities nearby that will affect the project?				**X**		
5. TERRESTRIAL, AVIAN, AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?				**X**		
6. VEGETATION COVER, QUANTITY & QUALITY: Will vegetative communities be permanently altered?				X		
Are any rare plants or cover types present?				**X**		
7. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present?				**X**		
Any wetlands?				**X**		
Any species of special concern?				**X**		
8. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?				**X**		
9. AESTHETICS: Is the project on a prominent topographical feature?				**X**		
Will it be visible from populated or scenic areas?				**X**		
Will there be excessive noise, light or odors?				X		

CUMULATIVE AND SECONDARY IMPACTS — Direct and indirect impacts are those effects that occur in or near the proposed project area and might extend over time. Often, the distinction between direct and indirect effects is difficult to define, thus impact or effect means both types of effects. Cumulative impacts are restricted to the net effects of the proposed project. Secondary impacts are induced by a direct impact and occur at a later time or distance from the triggering action. The Department does not anticipate additional impacts resulting from the land application of additional wastes beyond the impacts previously identified in the original EA completed for the site.

TABLE 2 - POTENTIAL IMPACTS ON THE HUMAN ENVIRONMENT

HUMAN ENVIRONMENT	Major	Moderate	Minor	No	Unknown	Attached
1. SOCIAL STRUCTURES & MORES: Is some disruption of native or traditional lifestyles or communities possible?				**X**		
2. CULTURAL UNIQUENESS & DIVERSITY: Will the action cause a shift in some unique quality of the area?				**X**		
3. DENSITY & DISTRIBUTION OR POPULATION & HOUSING: Will the project add to the population and require additional housing?				**X**		
4. HUMAN HEALTH & SAFETY: Will this project add to health and safety risks in the area?				**X**		
5. COMMUNITY & PERSONAL INCOME: Will the facility generate or degrade income?				**X**		
6. QUANTITY & DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs?				**X**		
If so, estimate number.						
7. LOCAL & STATE TAX BASE REVENUES: Will the project create or eliminate tax revenue?				**X**		
8. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads?				**X**		
Will other services (fire protection, police, schools, etc.) be needed?				**X**		
9. INDUSTRIAL, COMMERCIAL & AGRICULTURAL ACTIVITIES & PRODUCTION: Will the project add to or alter these activities?				X		
10. ACCESS TO & QUALITY OF RECREATIONAL & WILDERNESS ACTIVITIES: Are wilderness or recreational areas located nearby or accessed through this tract?				**X**		
Is there recreational potential within the tract?				**X**		
11. LOCALLY ADOPTED ENVIRONMENTAL PLANS & GOALS: Are there state, county, city, USFS, BLM, tribal, etc., zoning or management plans in effect?				**X**		
12. TRANSPORTATION: Will the project affect local transportation networks and traffic flows?				X		

CUMULATIVE AND SECONDARY IMPACTS — Direct and indirect impacts are those effects that occur in or near the proposed project area and might extend over time. Often, the distinction between direct and indirect effects is difficult to define, thus impact or effect means both types of effects. Cumulative impacts are restricted to the net effects of the proposed project. Secondary impacts are induced by a direct impact and occur at a later time or distance from the triggering action. The cumulative impacts recognized from the land application of additional wastes at a previously approved and analyzed site are minor. The net potential impact of the proposed approval for the land application of the additional waste volume on the human environment is probably very minor. The Department does not anticipate additional impacts resulting from the land application of additional wastes beyond those impacts identified in the original EA completed for the site.

APPENDIX A

Setback Requirements

The Administrative Rules of Montana (ARM) establishes minimum setback criteria for land application as follows:

ARM Reference	**Site Setback - Disposal Restrictions**
17.50.809(1)	Pumpings may not be applied to land within 500-feet of any occupied or inhabitable building.
17.50.809(2)	Pumpings may not be applied to land within 150-feet of any state surface water, including ephemeral or intermittent drainages and wetlands.
17.50.809(3)	Pumpings may not be applied to land within 100-feet of any state, federal, county, or city-maintained highway or road.
17.50.809(4)	Pumpings may not be applied to land within 100-feet of a drinking water supply source.
17.50.809(6)	Pumpings may not be applied to land with slopes greater than 6%.
17.50.809(8)	Pumpings may not be applied to land where seasonally high ground water is 6-ft or less below ground surface.
17.50.809(10)	All non-putrescible litter must be removed from the land application site within 6-hours of application.
17.50.809(12)	Pumpings may not be applied at a rate greater than the agronomic rate of the site for crop nitrogen requirement on an annual basis.
17.50.810(1)	Pumpings may not be applied to flooded, frozen, or snow covered ground if the pumpings may enter state waters.
17.50.811(3)	Pumpings may be applied only if the person first performs one of the following vector attraction and pathogen reduction methods: • injection below the land surface so no significant amount remains on the land surface within one-hour of injection; • incorporation into the soil surface plow layer within 6-hours of application; • addition of alkali material so that the pH is raised to and remains at 12 or higher for a period of at least 30-minutes; or, • management as required by 17.50.810 when the ground is frozen.