

**Environmental Assessment  
Water Protection Bureau**

**Name of Project:** Forsyth Wastewater Treatment Facility; MT0021288

**Description of Project:** Montana DEQ proposes to renew the MPDES permit for the Forsyth Wastewater Treatment Facility discharge for a five-year cycle. Forsyth operates an extended aeration, activated sludge process with an oxidation ditch, with a design flow of 0.54 million gallons per day. The facility discharges to the Yellowstone River. According to Montana Water Use Classifications, this portion of the Yellowstone River is classified as B-3. The Yellowstone River in the area of discharge is identified as impaired on the 2018 Montana 303(d) list for copper, lead, zinc, total dissolved solids, Nitrate + Nitrite as N, pH, and alteration in streamside vegetation.

**Location of Project:** Rosebud County, 46.27405 N, 106.65537 W

**Agency Action and Applicable Regulations:** DEQ proposes to renew the MPDES permit for a five-year cycle.

**Applicable Rules and Statute:**

- Administrative Rules of Montana (ARM Title 17 Chapter 30)
  - Subchapter 2 – Water Quality Permit Application and Annual Fees.
  - Subchapter 5 – Mixing Zones in Surface and Ground Water.
  - Subchapter 6 – Surface Water Quality Standards.
  - Subchapter 7 – Nondegradation of Water Quality.
  - Subchapter 11 – Storm Water Discharges.
  - Subchapter 12 and 13 – Montana Pollutant Discharge Elimination System Standards.
- Montana Water Quality Act, MCA 75-5-101 et. seq.

**Summary of Issues:** DEQ is renewing the permit and proposing to carry forward the 2014-permit limits.

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

- Y = Impacts may occur (explain under Potential Impacts).
- N = Not present of No Impact will likely occur.

<b>Impacts on the Physical Environment</b>	
<b>Resource</b>	<b>[Y/N] Potential Impacts and Mitigation Measures</b>
<b>1. 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?	[N] This facility is long established and represents no new impacts present.
<b>2. 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?	[N] The permit contains effluent limits and monitoring requirements that will continue to assure discharge quality.
<b>3. Air Quality:</b> Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] No new impacts present as this is an MPDES permit renewal.
<b>4. Vegetation Cover, Quantity and Quality:</b> Will vegetation communities be significantly impacted? Are any rare plants or cover types present?	[N] Based on a search of the Montana Natural Heritage Database, there are 2 vegetative species of concern in or within one mile of the site: Silver Bladderpod

<b>Impacts on the Physical Environment</b>	
<b>Resource</b>	<b>[Y/N] Potential Impacts and Mitigation Measures</b>
	<p>(<i>Physaria ludoviciana</i>) and Mat Buckwheat (<i>Eriogonum caespitosum</i>). However, this MPDES permitting action is the renewal of an existing wastewater discharge permit, with no anticipated impact on these species.</p>
<p><b>5. Terrestrial, Avian and Aquatic Life and Habitats:</b> Is there substantial use of the area by important wildlife, birds or fish?</p>	<p>[N] Based on a search of the National Heritage Database, there are occurrences of 12 species of concern within one mile of the site including:  Terrestrial (4): spiny softshell (<i>Apalone spinifera</i>), snapping turtle (<i>Chelydra serpentina</i>), plains hog-nosed snake (<i>Heterodon nasicus</i>), greater short-horned lizard (<i>Phrynosoma hernandesi</i>),  Aquatic (4): blue sucker (<i>Cycleptus elongates</i>), sauger (<i>Sander canadensis</i>), sturgeon chub (<i>Macrhybopsis gelida</i>), paddlefish (<i>Polyodon spathula</i>)  Avian (4): great blue heron (<i>Ardea herodias</i>), bald eagle (<i>Haliaeetus leucocephalus</i>), bobolink (<i>Dolichonyx oryzivorus</i>), loggerhead shrike (<i>Lanius ludovicianus</i>).</p> <p>However, this MPDES permitting action is the renewal of an existing wastewater discharge permit, with no anticipated impact on these or other species.</p>
<p><b>6. Unique, Endangered, Fragile or Limited Environmental Resources</b> Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern.</p>	<p>[N] See number 5. There is also a non-cave bat roost in the 1-mile radius surrounding the facility. However, this MPDES permitting action is the renewal of an existing wastewater discharge permit, with no anticipated impact on these or other species.</p>
<p><b>7. Sage Grouse Executive Order:</b> Is the project proposed in core, general or connectivity sage grouse habitat, as designated by the Sage Grouse Habitat Conservation Program at <a href="https://sagegrouse.mt.gov/">https://sagegrouse.mt.gov/</a>? 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 recommendation 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</p>	<p>[N] DEQ verified that this facility is not within core, general, or connectivity sage grouse habitat.</p>

<b>Impacts on the Physical Environment</b>	
<b>Resource</b>	<b>[Y/N] Potential Impacts and Mitigation Measures</b>
Grouse Habitat Conservation Program.	
<b>8. Historical and Archaeological Sites:</b> Are any historical, archaeological or paleontological resources present?	[N] No new impacts present as this is an MPDES permit renewal.
<b>9. Aesthetics:</b> Is the project on a prominent topographic feature? Will I be visible from populated or scenic areas? Will there be excessive noise or light?	[N] No new impacts present as this is an MPDES permit renewal.
<b>10. Demands on Environmental Resources of Land, Water, Air or Energy:</b> 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 powerlines or other energy sources be needed?	[N] No new impacts present as this is an MPDES permit renewal.
<b>11. Impacts on Other Environmental Resources:</b> Are there other activities nearby that will affect the project?	[N] No new impacts present as this is an MPDES permit renewal.

<b>Impacts on the Human Environment</b>	
<b>Resource</b>	<b>[Y/N] Potential Impacts and Mitigation Measures</b>
<b>12. Human Health and Safety:</b> Will this project add to health and safety risks in the area?	[N] Effluent limits will protect public health as this is an MPDES permit renewal.
<b>13. Industrial, Commercial and Agricultural Activities and Production:</b> Will the project add to or alter these activities?	[N] No impacts are expected as this is an MPDES permit renewal.
<b>14. Quantity and Distribution of Employment:</b> Will the project create, move or eliminate jobs? If so, estimated number.	[N] No impacts are expected as this is an MPDES permit renewal.
<b>15. Local and State Tax Base and Tax Revenues:</b> Will the project create or eliminate tax revenue?	[N] No impacts are expected as this is an MPDES permit renewal.
<b>16. Demand for Government Services:</b> Will sustainable traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] No impacts are expected as this is an MPDES permit renewal.
<b>17. Locally Adopted Environmental Plans and Goals:</b> Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N] No impacts are expected as this is an MPDES permit renewal.
<b>18. Access to and quality of Recreational and Wilderness Activities:</b> Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] No impacts are expected as this is an MPDES permit renewal.

<b>Impacts on the Human Environment</b>	
<b>Resource</b>	<b>[Y/N] Potential Impacts and Mitigation Measures</b>
<b>19. Density and Distribution of Population and Housing:</b> Will the project add to the population and require additional housing?	[N] No impacts are expected as this is an MPDES permit renewal.
<b>20. Social Structures:</b> Is some disruption of native or traditional lifestyles or communities possible?	[N] No impacts are expected as this is an MPDES permit renewal.
<b>21. Cultural Uniqueness and Diversity:</b> Will the action cause a shift in some unique quality of the area?	[N] No impacts are expected as this is an MPDES permit renewal.
<b>22. Other Appropriate Social and Economic Circumstances:</b>	[N] No impacts are expected at this time.
<b>23(a). Private Property Impacts:</b> 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] No impacts are expected as this is an MPDES permit renewal.
<b>23(b). Private Property Impacts:</b> 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] No impacts are expected as this is an MPDES permit renewal.
<b>23(c). Private Property Impacts:</b> 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] No impacts are expected as this is an MPDES permit renewal.

**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:** N/A

**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:** Kayla Glossner

**Date:** September 2020

**Approved By:**

**DRAFT**  
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Jon Kenning, Chief  
Water Protection Bureau

**DRAFT**  
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Date