



FINAL ENVIRONMENTAL ASSESSMENT
Proposed Class II Solid Waste Management System
Auto Shred Residue (ASR) Repository
Billings, Montana

Solid Waste Section
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June 11, 2024

Table of Contents

1. PURPOSE AND NEED FOR ACTION	5
1.1 Summary	5
1.2 Background	5
1.3 Purpose, Need, and Benefits	5
1.4 Location Description and Study Area.....	6
1.5 Authorizing Action	9
1.6 Public Participation	11
2. DESCRIPTION OF ALTERNATIVES.....	12
2.1 Introduction	12
2.2 DEQ Alternative 1 – NO ACTION ALTERNATIVE.....	12
2.3 DEQ Alternative 2 – PROPOSED ACTION	12
3. AFFECTED ENVIRONMENT AND IMPACT BY RESOURCE	13
3.1 Affected Environment and Study Area	13
3.2 Categories of Potential Impacts from the Proposed Action.....	13
3.3 Terrestrial, Aquatic Life, and Habitats	15
3.4 Water Quality, Quantity, and Distribution	17
3.4.2 Ground Water	20
3.5 Geology and Soil Quality, Stability, and Moisture	24
3.5.1 Geology	24
3.5.2 Soils	25
3.6 Vegetation Cover, Quantity, and Quality.....	29
3.7 Aesthetics	31
3.7.1 Odors and Visuals	31
3.7.2 Vectors	32
3.7.3 Traffic	33
3.7.4 Noise	33
3.8 Air Quality	33
3.9 Cultural Uniqueness and Diversity.....	35
3.10 Human Health & Safety	35
3.11 Quantity & Distribution of Employment.....	36
3.12 Local & State Tax Base Revenues, and Property Values.....	36
3.13 Demand for Government Services.....	37
3.14 Industrial, Commercial, and Agricultural Activities	37

3.15 Private Property	37
3.16 Cumulative Impacts	37
3.17 Unavoidable Impacts	38
3.18 Greenhouse Gas Assessment.....	38
4. CONCLUSIONS AND FINDINGS	40
4.1 A listing and appropriate evaluation of mitigation, stipulations, and other controls enforceable by the agency or another government agency.....	40
4.2 Determination of Significance	40
4.3 Other groups or agencies contacted or contributed to this EA.....	41
4.4 Authors	41
5. REFERENCES.....	42
6. RESPONSE TO COMMENTS.....	43

Tables

Table 1: Applicable Regulatory Activities	10
Table 2: Impacts to the Physical Environment.....	13
Table 3: Impacts to the Human Environment	14
Table 4: Species of Concern	15
Table 5: GWIC Well Data	23
Table 6: Soils Map Unit Legend	28

Figures

Figure 1: Location of the Site.....	7
Figure 2: Aerial Photo of the Site	8
Figure 3: Wetlands Map	17
Figure 4: Surface Water Map	19
Figure 5: Drainage Map.....	20
Figure 6: Groundwater Flow Map	22
Figure 7: Groundwater Well Map.....	23
Figure 9: Test Pit, Boring, and Monitoring Well Locations.....	25
Figure 10: Soils Map	27
Figure 11: Vegetative Cover Map.....	31
Figure 12: PSR Rendering of Landfill in Future.....	32

Acronyms

Active Cell – Area within a landfill unit where disposal is occurring, not to exceed more than 6.07 acres at a time.

ARM – Administrative Rules of Montana

BMP's – Best Management Practices

Cell Life – Approximate duration a particular landfill cell is active from construction to closure not to exceed 13 years, averaging every three to five years.

CQA/CQC – Construction Quality Assurance/Construction Quality Control

DEQ – Montana Department of Environmental Quality

Draft EA – Draft version of an environmental assessment

EIS – Environmental Impact Statement

EPA – Environmental Protection Agency

Facility Life – Approximate duration of the Proposed Action, not to exceed 122 years.

FWP – Montana Department of Fish, Wildlife, and Parks

GWIC – Ground Water Information Center

IWMA – Integrated Waste Management Act

MBMG – Montana Bureau of Mines and Geology

MCA – Montana Code Annotated

MEPA – Montana Environmental Policy Act

MSW – Municipal Solid Waste

NRCS – Natural Resource Conservation Service

O&M – Operation and Maintenance

PSR – Pacific Steel and Recycling

RCRA – Resource Conservation and Recovery Act

SWMA – Montana Solid Waste Management Act

SWP – Montana DEQ Solid Waste Program

SWS – Montana DEQ Solid Waste Section

TSCA – Toxic Substances Control Act

USDA – United States Department of Agriculture

USEPA – United States Environmental Protection Agency

USFWS – United States Fish and Wildlife Service

USGS – United States Geological Survey

1. PURPOSE AND NEED FOR ACTION

1.1 Summary

On December 15, 2022, Pacific Steel and Recycling (PSR) submitted a Solid Waste Management System (SWMS) license application to the Montana Department of Environmental Quality (DEQ). The application proposes to establish a Class II Solid Waste Management System (SWMS) for an Auto Shred Residue (ASR) landfill, including a liner system, leachate collection system, and groundwater monitoring and controls (Proposed Action). The 320-acre site would border US Highway 87 to the east and Shepherd Acton Road to the south and be located six miles west of Shepherd and seven miles north of Billings, in Yellowstone County, Montana (Site, (**Figures 1 and 2**)). Of the 320 total acre site, only 90 acres are planned for Class II waste disposal activities. The Site would only operate within the Active Cell for the Cell Life (e.g., the landfill would never have more than 6.07 acres open at a given time) for the duration of the Facility Life. The Site, which is presently vacant grassland, would be operated by PSR and coordinate the management of at least 25,000 tons of ASR per year. The Site details include:

- Site would accept at least 25,000 tons of ASR annually from PSR facilities, so there is no need for a scale or office area at this time.
- Air Space Capacity – 8.03 million cubic yards
- Solid Waste Capacity – 6.69 million cubic yards or 3.06 million tons
- The estimated facility life expectancy is 122 years.
- The life estimate is based on an effective waste to soil ratio of 5:1 and in-place density of 915 LB/CY. This equates to a volume per ton ratio of 2.62 CY/Ton.
- PSR would only accept Class II waste in the License area. No restricted and/or special waste.

PSR proposes to begin construction on June 17, 2024. PSR proposes a start date for landfilling on January 1, 2025.

1.2 Background

PSR operates an automobile shredding facility east of Billings near Lockwood, Montana. The facility currently generates approximately 25,000 tons of ASR annually. Currently, PSR hauls this material to the City of Billings Regional Landfill for disposal. PSR contracted with Great West Engineering to design its own Class II landfill for the specific disposal of ASR.

ASR is generated from separating recyclable scrap parts during shredding of automobiles. The “fluff” portion of this separated waste is what would be landfilled at the Site. It is mainly composted of plastics and trace metal and other waste that could not be separated. ASR is considered a Group II waste, commonly referred to as municipal solid waste (MSW), which may include decomposable wastes and some mixed solid wastes of appreciably decomposable materials. Group II waste may also broadly share the common materials and characteristics of almost all other waste groups, or select wastes (such as household hazardous, commercial, industrial, asbestos, TENORM, exempted remediation). Group II waste may not include hazardous, radioactive, Toxic Substances Control Act (TSCA), mining, and a few other wastes as defined by federal EPA.

1.3 Purpose, Need, and Benefits

Pacific Steel and Recycling has applied to DEQ for review and licensure of a Class II solid waste management facility. DEQ’s purpose and need is to act on Pacific Steel and Recycling’s application to operate an ASR

landfill as described in its application. DEQ's decision to approve or deny the Proposed Action depends upon compliance and consistency (i.e., "equivalence") of the SWMS application with:

1. Applicable tenants of the SWMA, Clean Air Act of Montana (CAA), and Montana Water Quality Act (WQA) established by Montana Code Annotated (MCA); and
2. Applicable solid waste management criteria as required in the ARM.

ARM Title 17, chapter 50, establishes the minimum requirements for the licensing of all SWMS proposals. DEQ's final decision to license a SWMS must be validated by the local health officer within 15 days of its issuance.

PSR's purpose and need is to license the facility as proposed so disposal of ASR can occur at the new facility

The Montana Solid Waste Management Act (SWMA) establishes the minimum requirements for development and licensing of SWMS to protect the environment and the health and welfare of Montana citizens. The SWMA supports long-range planning efforts to ensure that adequate landfill capacity is available in Montana to meet the state's growing population needs. Administrative rules adopted by DEQ pursuant to the SWMA establish requirements for the design, operation, monitoring, correction, financial assurance, closure, and post-closure care of all licensed SWMS based on the type of facility.

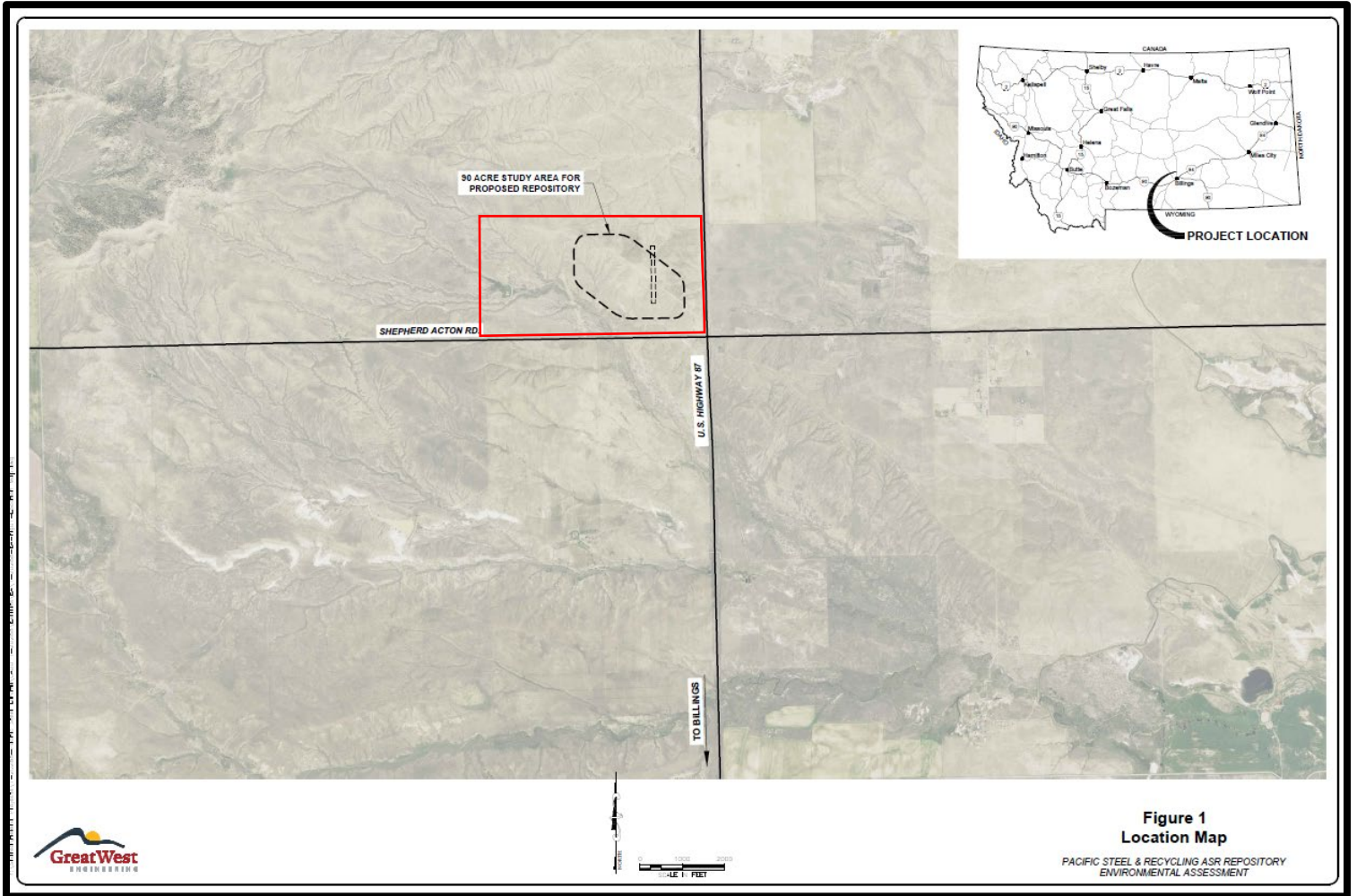
1.4 Location Description and Study Area

The Site would occupy 320-acres located within Section 3, Township 2 North, Range 26 East. The Site is located approximately six miles west of Shepherd, Montana and seven miles north of Billings, Montana, in Yellowstone County (**Figure 1**). The proposed boundary borders US Highway 87 to the east and Shepherd Acton Road to the south.

PSR owns the property planned for the Class II Solid Waste facility. Currently, the property and all areas immediately around the property area are undeveloped grassland with some sagebrush. The Site is intermittently used for the grazing of cattle. The property to the north and west of the site is owned by Charter Ranch, Inc., and used for grazing; the property to the south is owned by Bar Diamond Ranch LLC and Bureau of Land Management; and the property to the east of the site is owned by MRB Properties LLC. Access to and from the Site would utilize Shepherd Acton Rd.

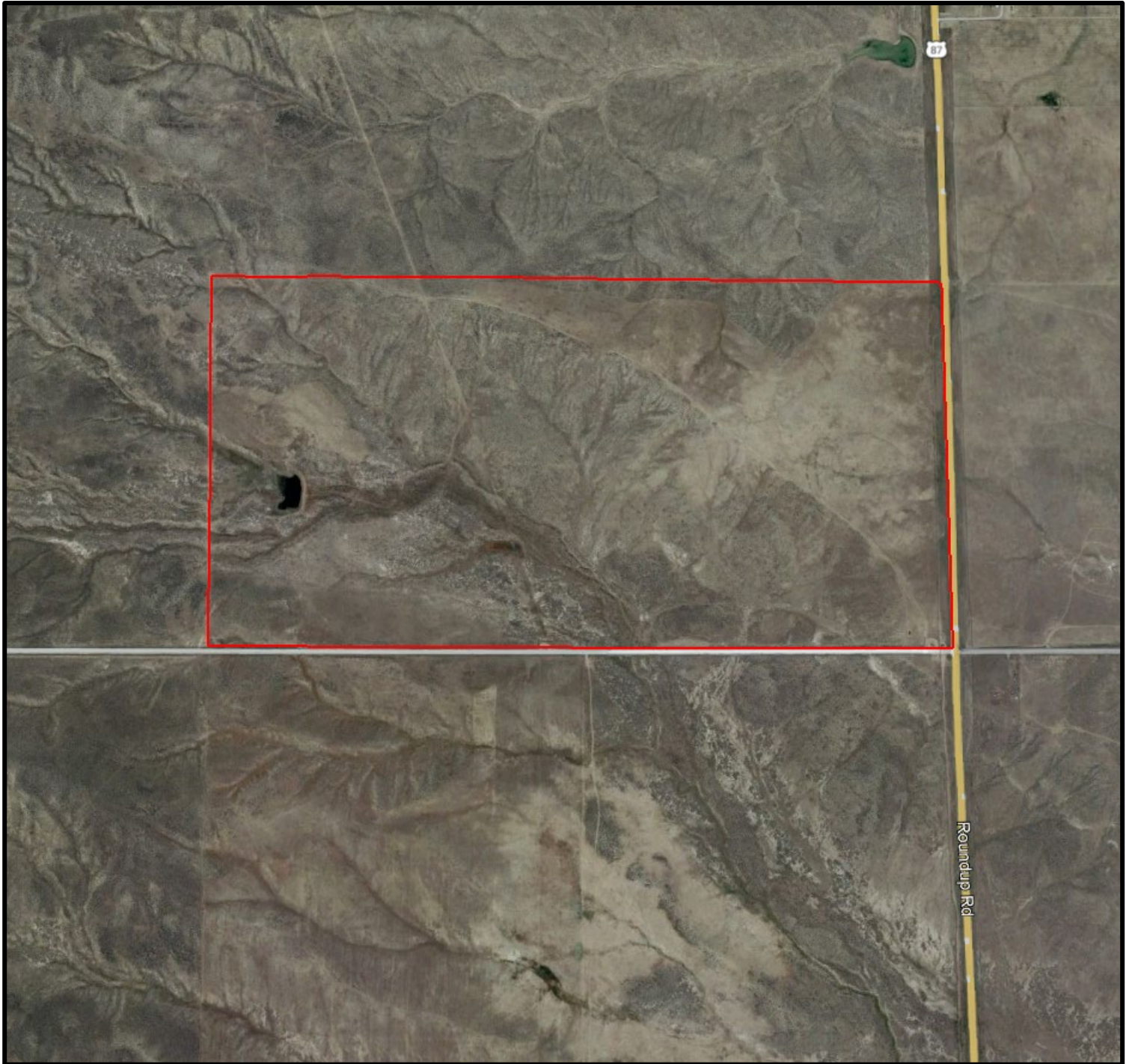
Typically, the study area includes the extent of the Site and adjacent areas within at least one mile of the Site. The study area is defined in *Section 3.1*. The study area for each resource is unique and described in each subsection under *Section 3.3*.

Figure 1: Location of the Site
Site in red



(Source: Figure 1 of the Pacific Steel & Recycling License Application; Great West 2023)
Not to Scale

Figure 2: Aerial Photo of the Site
(Site in red)



(Source: Google Earth, 2023)
Not to Scale

1.5 Authorizing Action

MONTANA ENVIRONMENTAL POLICY ACT (MEPA)

MEPA was created as a procedural mechanism to assist the legislature in determining whether laws are adequate to address impacts to Montana's environment and to inform the public and public officials of potential impacts resulting from decisions made by state agencies. DEQ prepared this EA in accordance with requirements of MEPA to disclose potential threats to human health and the environment associated with the proposed action. All actions associated with creating this MEPA document are public record, and not a record of decision, and do not provide regulatory authority beyond the authority explicitly provided in existing regulations.

Among the several purposes an EA may serve, it may be used to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with the proposed action. ARM 17.4.607(2)(c). An EA may also be used to ensure the fullest appropriate opportunity for public review and comment on proposed actions, including alternative and planned mitigation, where the residual impacts do not warrant the preparation of an EIS. ARM 17.4.607(2)(d). This document may disclose potential impacts over which DEQ has no regulatory authority.

GENERAL LICENSING

DEQ is responsible for issuing SWMS licenses under authority of the SWMA and associated ARM. The Class II license application must contain engineering design plans and an operations plan addressing the methods that would be used to manage the Group II waste at the Site. It must also include a detailed closure and post-closure care plan. It may also include groundwater and methane monitoring plans. These required documents and the DEQ decision to license the proposed facility must first be approved by the Yellowstone County Health Officer.

DEQ is also responsible for protecting air quality under the Montana Clean Air Act (CAA), and water quality and quantity under the Montana Water Quality Act (WQA). The options that DEQ has for decision-making upon completion of the EA are:

1. Denying the application if the Proposed Action would violate SWMA, CAA, or WQA.
2. Approving the application as submitted.
3. Approving the application with agency mitigatory measures.
4. Determining the need for further environmental review.

Table 1 provides a listing of any state, local, or federal agencies that may have overlapped or additional jurisdiction or environmental review responsibility for the Proposed Action and the permits, licenses, and other authorizations required. All necessary permits and approvals must be attained prior to onsite implementation of the Proposed Action after licensing by DEQ.

Table 1: Applicable Regulatory Activities

Applicable Regulatory Activities	
Agencies	Responsibilities
DEQ – Waste Management Bureau	SWMS license
DEQ – Air Quality Bureau	Air quality permitting
DEQ – Water Protection Bureau	Montana Pollutant Discharge Elimination System (MPDES) permit
Yellowstone County Health Officer	SWMS license validation by county health officer
Yellowstone County	County waste container sites, road construction and maintenance, land use, and weed plan approval
(List of agencies involved and their respective or licensing requirements)	

CONTINUAL FACILITY REVIEW AND LICENSE RENEWAL

All licensed SWMS facility operations must conform with applicable laws and rules pertaining to solid waste management. If rules or statutes are adjusted or changed, operations would need to adjust accordingly. When a SWMS is initially approved and licensed, it becomes subject to a series of regular licensing and operational reviews by DEQ.

SWMS License Renewal Applications Review: Annual

The license renewal form includes waste volumes for the previous year. DEQ uses reported waste volumes to determine fees and the level of operational activities. A license is renewed if all renewal information is supplied, and the facility can demonstrate an ongoing ability to operate in compliance with applicable rules and statutes.

SWMS Inspections and Site Visits: Annual to Semi-Annual

DEQ staff inspect licensed SWMS facilities to verify compliance with applicable rules and statutes. Prior to inspections, staff review the facility’s approved operation & maintenance (O&M) plan. During inspections, staff evaluate all landfill waste management systems and operations. Compliance assistance is emphasized, however, failure to follow the approved O&M plan or to meet the requirements of applicable rules and statutes may result in a violation requiring corrective action(s) and further compliance review with DEQ follow-up (e.g., approval of appropriate O&M Plan changes) and a repeat inspection.

O&M Plan Review: At least every five years

Facilities are required to update O&M plans at least every five years. Should no updates be needed, facilities may notify DEQ that operations have not changed. Whenever significant operational changes are expected or required, facilities must notify DEQ in advance by submitting an updated plan for review and approval prior to implementation under ARM 17.50.509 (3). All changes must comply with all applicable rules and statutes during the period in which the plan is reviewed.

Engineering Plans Review: Approximately every five years

As operations develop, the designs for the waste collection, sorting, or separation, including the management of liquids, may require adjustment and any necessary changes in equipment or layout may be

submitted to and approved by DEQ. Any such changes must comply with applicable rules and statutes during the period in which the engineering plan is reviewed.

1.6 Public Participation

Pursuant to ARM 17.4.610(3), DEQ is responsible for providing opportunities for public review of EAs “consistent with the seriousness and complexity of the environmental issues associated with a proposed action and the level of public interest.” DEQ used its discretion to determine that public participation was warranted for this proposed action.

DEQ published the Draft EA for a public comment period that started October 20, 2023, and ended **November 30, 2023**. Notification was sent to adjacent landowners and other interested parties that requested to be notified. A press release announcing the Draft EA’s availability was sent out on October 20, 2023, and the EA, along with PSR’s application, was posted at:

<https://deq.mt.gov/public/publiccomment>.

The notification timeline for DEQ is as follows:

1. October 20, 2023: notification of EA and public comment period via press release, abutting landowner (and beyond) letter notification, and email notification of standard interested parties. News outlets, including the Billings Gazette, published this press release.
2. October 30, 2023: notification of extension of comment period by 31 days via press release and interested parties notification via letter and email.
3. November 11, 2023: notification of public meeting.
4. November 21, 2023: public meeting.
5. Numerous correspondence with Stop the Shepherd Landfill, as recent as May 2024.

DEQ held a public meeting at Shepherd High School Gymnasium on November 21, 2023, to present information about the Proposed Action. DEQ did an open house, a presentation, and held a Q&A.

DEQ received 363 submissions with comments covering several topics from the Draft EA and Proposed Action. There were comments both in support and in opposition to the Proposed Action. DEQ read, summarized, combined, and considered the substantive elements from the comments. These responses can be found in *Section 6* of this Final EA.

2. DESCRIPTION OF ALTERNATIVES

2.1 Introduction

This section describes the Proposed Action and reasonable alternatives to the PSR's Proposed Action, including the No Action alternative. MEPA requires state agencies to consider the No Action and reasonable alternatives to a proposed action that are available and prudent to consider. The alternate approach or course of action must accomplish the same objectives as the Proposed Action, and must be realistic, technologically available, and must have a logical relationship to the Proposed Action. Section 75-1-220, MCA, states that for a project that is not a state-sponsored project, an alternatives analysis does not include an alternative facility or an alternative to the proposed project itself. Therefore, DEQ only considered alternatives applicable to the proposed facility at the proposed location.

2.2 DEQ Alternative 1 – NO ACTION ALTERNATIVE

Under the No Action Alternative, the Proposed Action would not be approved by DEQ. The Site could not be licensed as a Class II SWMS and would not be constructed by PSR. The ASR would not be allowed in the monofill and would be disposed of in the Billings Regional Landfill.

2.3 DEQ Alternative 2 – PROPOSED ACTION

The Proposed Action is the licensing by DEQ of a Class II Solid Waste Management System as proposed by PSR in their December 15, 2022, application. The Proposed Action would allow for construction and operation of the Facility as an ASR monofil, including a liner system, leachate collection system, and groundwater monitoring and controls. The proposed facility would only allow the disposal of ASR and no other wastes. The landfill would only be used by company personnel and would not be open to the public or used by other commercial or industrial companies. Please see Section 1.1 for additional information relating to PSR's application.

Currently, all ASR goes to the City of Billings Regional Landfill and is mixed with municipal waste. Creating an ASR landfill exclusive to PSR would allow PSR the option or reclamation of ASR in the future.

3. AFFECTED ENVIRONMENT AND IMPACT BY RESOURCE

3.1 Affected Environment and Study Area

The Site would be located on property owned by Pacific Steel & Recycling approximately six miles west of Shepherd and seven miles North of Billings, Montana (**Figure 1**). The Proposed Action would occupy 90 acres for Class II waste disposal activities.

Except where noted in specific resource sections, the study area for resource impact analysis includes all lands and resources located within the 320-acre parcel, 90 acres of which would be used for Class II waste disposal activities, and all adjacent lands within one mile in each direction. The study area may vary based on the predicted locations of direct and secondary impacts that could result from the Proposed Action as noted for each impact analysis.

3.2 Categories of Potential Impacts from the Proposed Action

The impact analysis would identify and evaluate direct and secondary impacts, which are as follows:

- **Direct impacts:** Impacts that occur at the same time and place as the action that triggers the effect.
- **Secondary impacts:** Further impacts to the human environment that may be stimulated or induced by or otherwise result from a direct impact of the action.

Where impacts are expected to occur, the impacts analysis estimates the duration and intensity of the impact. The severity of an impact is measured using the following:

- **No impact:** There would be no change from current conditions.
- **Minor:** The effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** The effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** The effect would alter the resource.

Tables 2 and 3 outline the impacts assessed (NOTE: numbers in the tables do not correspond to the heading numbers in the document).

Table 2: Impacts to the Physical Environment

Physical Environment	Major	Moderate	Minor	No Impact	Attached
1. Terrestrial and Aquatic Life and Habitats			✓		✓
2. Water Quality, Quantity, and Distribution			✓		✓
3. Geology and Soil Quality, Stability, and Moisture			✓		✓
4. Vegetation Cover, Quantity, and Quality			✓		✓
5. Aesthetics			✓		✓

Physical Environment	Major	Moderate	Minor	No Impact	Attached
6. Air Quality			✓		✓
7. Unique, Endangered, Fragile, or Limited Environmental Resources				✓	
8. Historical and Archaeological Sites				✓	✓
9. Demands on Environmental Resources on Land, Water, Air, or Energy				✓	

Table 3: Impacts to the Human Environment

Human Environment	Major	Moderate	Minor	None	Attached
1. Social Structures & Mores				✓	
2. Cultural Uniqueness & Diversity				✓	✓
3. Density & Distribution of Population & Housing				✓	
4. Human Health & Safety			✓		✓
5. Quantity & Distribution of Employment			✓		✓
6. Local & State Tax Base Revenues			✓		✓
7. Demand for Government Services			✓		✓
8. Industrial, Commercial, & Agricultural Activities & Production			✓		✓
9. Access to & Quality of Recreational & Wilderness Activities				✓	
10. Locally Adopted Environmental Plans & Goals				✓	

3.3 Terrestrial, Aquatic Life, and Habitats

The affected environment and study area include all lands and resources located within the proposed study area as defined in *Section 3.1* with the exception that the Montana National Heritage Program animal and plant species of concern mapped within the entire Township 2 North, Range 26 East.

The 320 acres owned by PSR contains two areas designated by the United States Fish and Wildlife Service (USFWS) National Wetlands Inventory and Montana National Heritage Program (MTNHP) as “Freshwater Emergent Wetlands” (**Figure 3**). These Palustrine Emergent Wetlands are described by the MTNHP as temporarily flooded wetlands with erect, rooted herbaceous vegetation present during most of the growing season. Both wetlands on site are described as being diked or impounded (MTNHP, 2023).

Neither of these two wetland areas are within the 90-acre proposed disturbance area. PSR’s application proposes they maintain a buffer zone (undisturbed area) to the east of the ephemeral stream, and as such facility construction would not alter or in any way encroach upon the classified wetlands described above. Since there would not be any wetlands impacted or destroyed, there would not be any need for compensatory mitigation.” (Great West, 2022). This buffer zone is 315 feet from the edge of the road, and 360 feet from the edge of the waste.

The MTNHP describes the Site as predominantly Shrubland, Steppe, and Savanna systems with minor portions of Grassland systems. There is no current human land use on the site.

The MTNHP was queried for animal and plant species of concern. The focus area of the query was Township 2 North, Range 26 East, which is larger than the study area, but the smallest defined area allowed in the search. Species of concern are summarized in **Table 4** below. The search was provided by the MTNHP on June 7, 2022, and provided within the Pacific Steel and Recycling application.

Table 4: Species of Concern

Common Name	Family	Global Rank	State Rank	Habitat
Mammals				
Black-tailed Prairie Dog	Squirrels	G4	S3	Grasslands
Spotted Bat	Bats	G4	S3	Cliffs with rock crevices
Birds				
Golden Eagle	Hawks/Kites/Eagles	G5	S3	Grasslands
Great Blue Heron	Bitterns/Egrets/Herons/ Night-Herons	G5	S3	Riparian Forest
Burrowing Owl	Owls	G4	S3B	Grasslands
Greater Sage Grouse	Upland Game Birds	G3G4	S2	Sagebrush
Pinyon Jay	Jays/Crows/Magpies	G4	S3	Open Conifer Forest
Loggerhead Shrike	Shrikes	G4	S3B	Shrubland
Reptiles				
Snapping Turtle	Snapping Turtles	G5	S3	Prairie Rivers and Streams
Western Milksnake	Colubrid Snakes	G5	S2	Rock Outcrops
Plants				
None Found				

MTNHP Rank Definition

G1 S1 At high risk because of **extremely limited** and/or **rapidly declining** population numbers, range and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.

G2 S2 At risk because of **very limited** and/or **potentially declining** population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state.

G3 S3 Potentially at risk because of **limited** and/or **declining** numbers, range and/or habitat, even though it may be abundant in some areas.

G4 S4 Apparently secure, though it may be quite rare in parts of its range, and/or suspected to be declining.

G5 S5 Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

GX SX Presumed Extinct or Extirpated - Species is believed to be extinct throughout its range or extirpated in Montana. Not located despite intensive searches of historical sites and other appropriate habitat, and small likelihood that it will ever be rediscovered.

GH SH Historical, known only from records usually 40 or more years old; may be rediscovered.

GNR SNR Not Ranked as of yet.

Of the ten animal species of concern, two animals, the Greater Sage Grouse and the Western Milksnake, qualify as a S2, or at risk because of a very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state. The proposed project area consists of predominantly undeveloped grasslands with little sage brush and no rock outcrops.

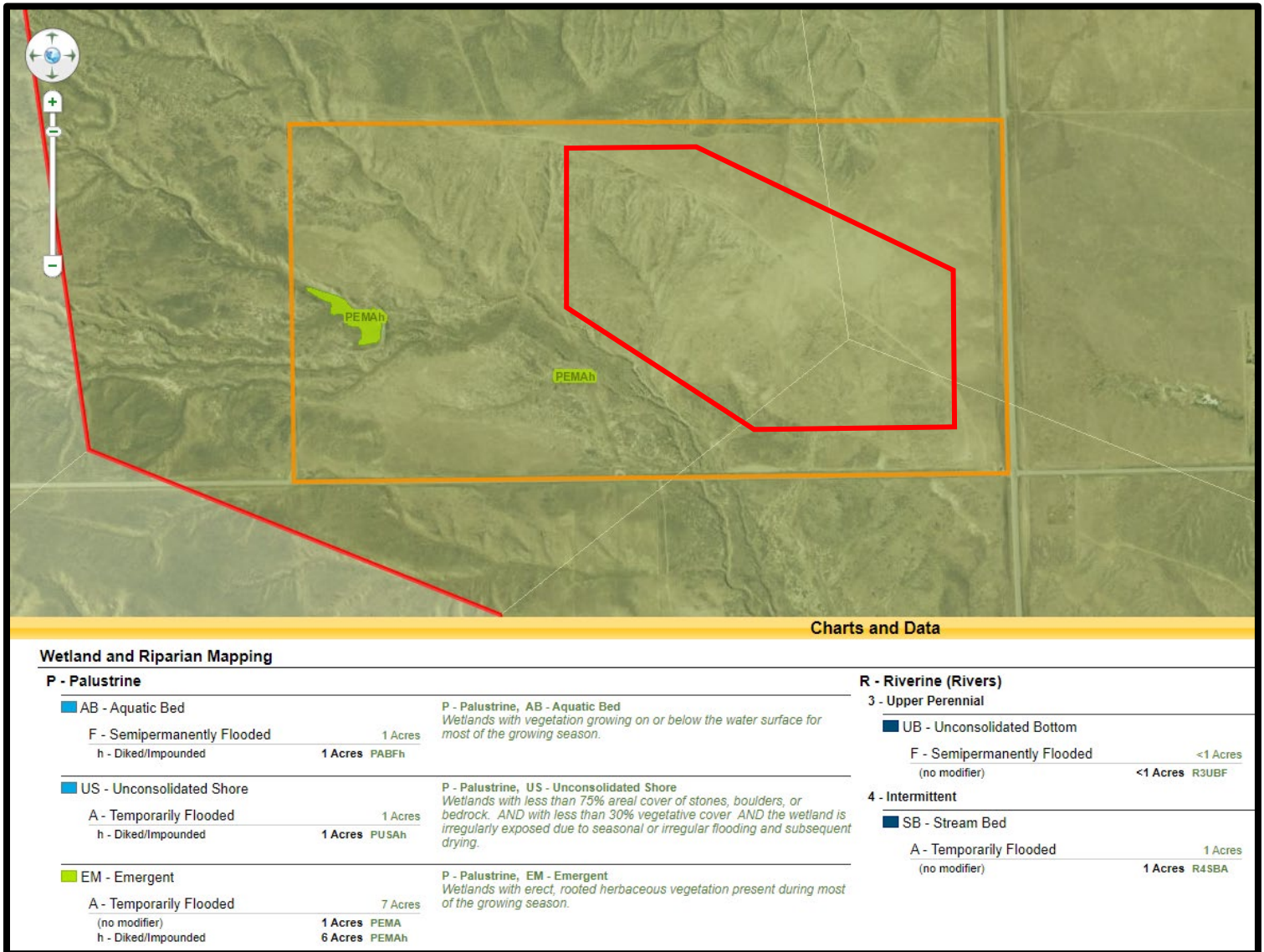
The Site is located within general habitat for sage grouse as defined by the State of Montana. PSR contacted the Montana Sage Grouse Habitat Conservation and mitigation costs have been determined by the agency. PSR intends to contribute to the Stewardship Account to obtain the necessary permit.

Transient wildlife populations, including whitetail deer, mule deer, **antelope**, many bird species, and more occupy the habitat within and surrounding the Site boundary. Transient, by definition, means “lasting only for a short time”, or “impermanent”. Such species exhibit transient behavior, relocating regularly and rarely remaining in one area for long periods of time. The development of the project area may require relocation of local and transient animals, but much of the surrounding areas offer similar habitats. Additionally, none of the species of concern listed in the area have been found in this habitat upon previous inspection of the Site. If such animals are found, the proper state agencies would be contacted immediately.

Under the No Action Alternative, the Site would not be licensed as a Class II Solid Waste Facility, and there would be no potential impacts to terrestrial and aquatic life and habitats.

Since the two wetland areas found within the project site would not be impacted or destroyed, there are no impacts to aquatic life habitats. Due to the activities involved in the Proposed Action, there would be minor impacts to terrestrial habitats on site.

Figure 3: Wetlands Map
 (PSR property in orange, 90-acre licensed boundary in red)



(Source: <https://mtnhp.org/mapviewer/?t=8>)

Not to Scale

3.4 Water Quality, Quantity, and Distribution

The affected environment and study area include all lands and resources located within the 320-acre parcel and all adjacent lands within one mile in each direction.

3.4.1 Surface Water

The study area lies within the boundaries of the Yellowstone River watershed. The Yellowstone River watershed, which drains an area of approximately 34,000 square miles including portions of north-central Wyoming and south-central Montana.

Figure 4 shows the primary surface water features within a one-mile radius of the property boundary. The closest surface water feature from the initial waste disposal cells (Phases 1 thru 4) is the surface depression located approximately 300 feet southwest of the southwestern perimeter of the waste footprint. This would be classified as an 'ephemeral stream' and only flows during brief periodic episodes in direct response to substantial precipitation or snowmelt runoff events. The presence of flowing surface water in this drainage has not been observed during field investigations conducted in July 2021, December 2021/January 2022; and August/September 2022.

The Site would incorporate perimeter ditches and berms to divert any run-on from entering any waste area. All run-off collected from the landfilling area would be directed to storm water detention ponds. The detention ponds detain greater than the total volume of water from the 100 year, 24-hour storm event. The landfill would operate and maintain the detention ponds and ditches in accordance with the Storm Water Pollution Prevention Plan (SWPPP) and General Industrial Stormwater Discharge Permit which would be obtained prior to beginning operations. A SWPPP is a site-specific document that identifies potential sources of stormwater pollution at a site.

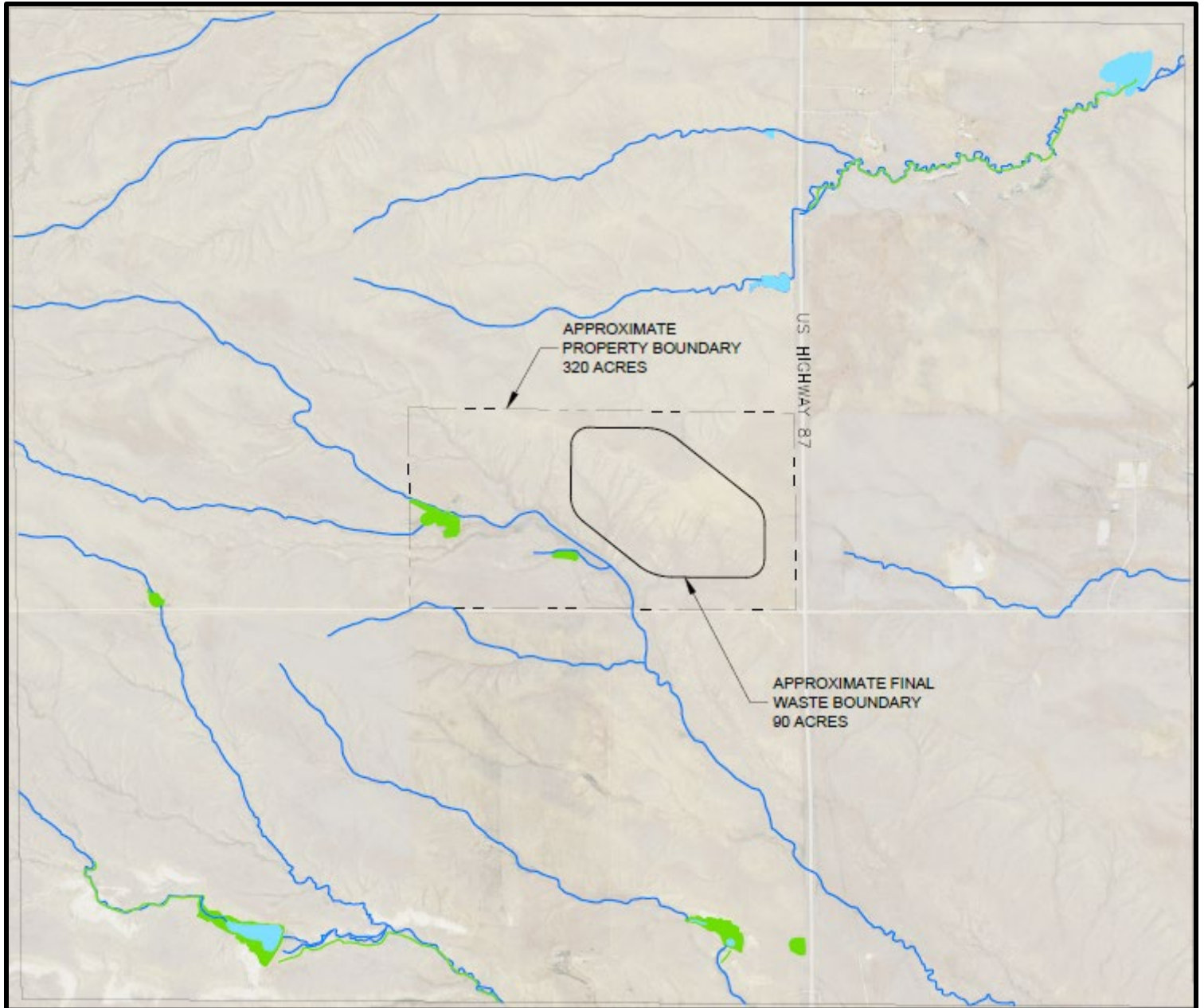
All surface water ditches and culverts are designed and constructed to handle the 100 year, 24-hour storm water run-off. **Figure 5** shows the proposed drainage patterns of the ASR landfill as shown in the Operation and Maintenance Plan (Great West, 2022). The PSR staff would be responsible for maintenance items as follows:

- Surface water ditches shall prevent any water from off the site running onto the waste areas.
- All run-off from waste areas shall be directed to the detention ponds.
- The drainage ditches shall be periodically inspected, and any erosional damage repaired.
- Ditches which frequently have erosional damage should be mitigated with straw bales, rock checks, rip rap, permanent vegetation, erosion blankets, or other best management practices (BMPs).
- Culverts should also be periodically inspected for blockage, especially after significant run-off events.
- Any plugged culverts should be immediately cleaned out to restore capacity.

Stormwater is water that originates during precipitation events and snow or ice melt. Stormwater can soak into the ground, be held on the surface to evaporate, or run off towards downstream surface water bodies. Surface water flow may occur at the Site when water generated by rain, snowfall, or melting of accumulated snow, flows freely over the land surface into the drainages. Surface water flow may occur when the soil is saturated and its holding capacity is exceeded, when precipitation falls more quickly than the soil can absorb it, or more typically, when a combination of these conditions exists. Stormwater runoff collection in low areas within the western portion of the site would allow all runoff to collect in basins and infiltrate the surface soils as previously provided.

The topography generally slopes to the south or southeast, towards the localized drainage feature. A general drainage pattern to the southeast is consistent with the regional setting.

Figure 4: Surface Water Map



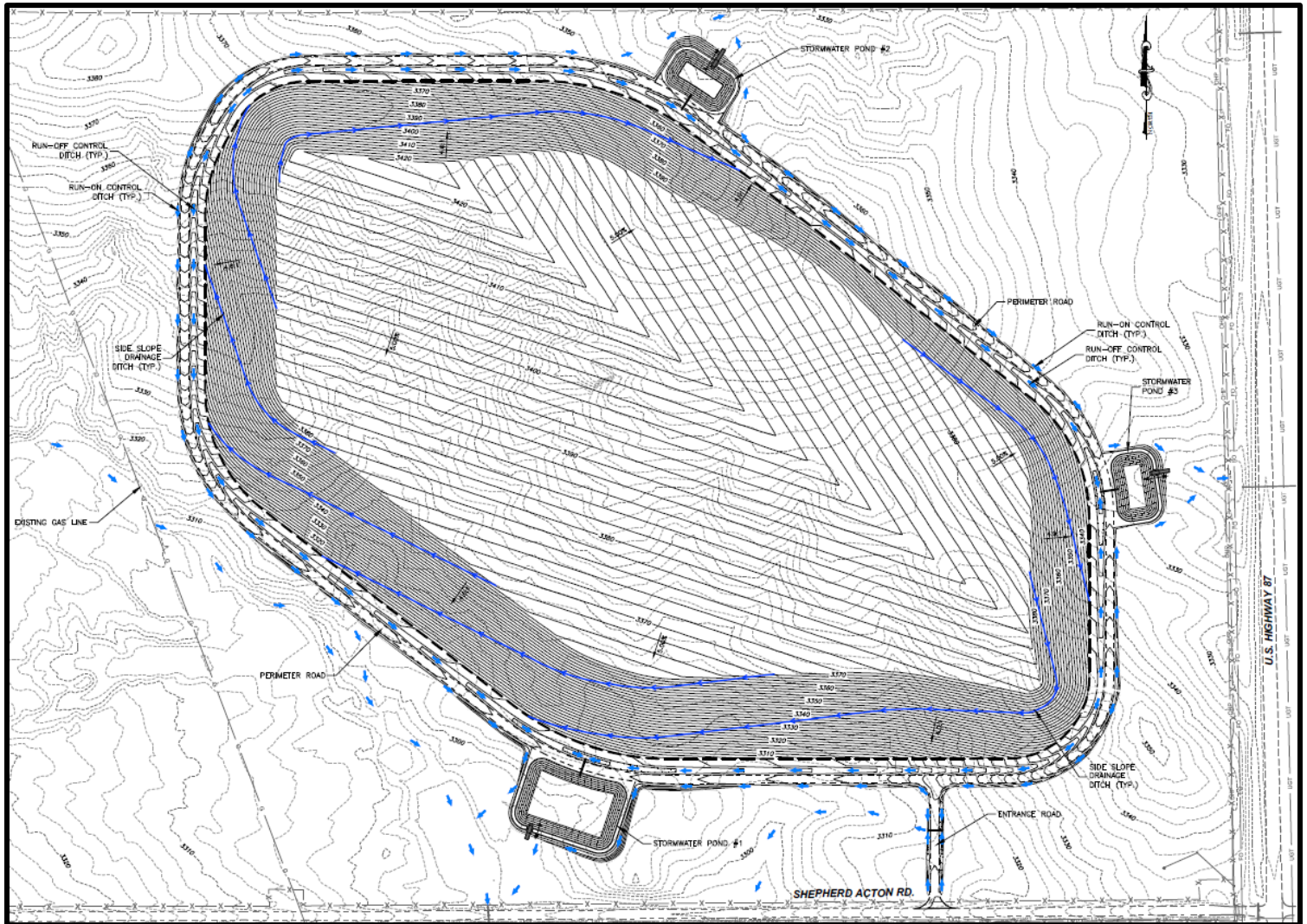
(Source: from Figure 5 of the Pacific Steel & Recycling ASR Repository Soils and Hydrogeologic Report, 2022)

Not to Scale

PSR would be required to obtain a General Construction Storm Water Permit from DEQ's Water Protection Bureau prior to any potential future construction activities. The general storm water discharge permit coverage is for construction activities that include clearing, grading, grubbing, excavation, or other earth disturbing activities affecting one or more acres and discharge storm water to state surface waters. Conditions of the general permit require PSR to implement BMPs to control sediment and erosion during

construction activities, washing off-road equipment prior to entering the construction site. Seeding would be done with a native seed mixture (equivalent to mix from the Natural Resource Conservation Service (NRCS)) and mulching and fertilizing of disturbed areas to reduce weed establishment and prevent erosion would be required. Storm water BMPs are control measures used to manage changes in the quality and quantity of storm water runoff. BMPs are designed to reduce the volume, peak flows, and/or quality of storm water through evaporation, infiltration, detention, and filtration.

Figure 5: Drainage Map



(Source: from Figure 3 of the Pacific Steel & Recycling ASR Repository Operation and Maintenance Plan, 2022)

Not to Scale

3.4.2 Ground Water

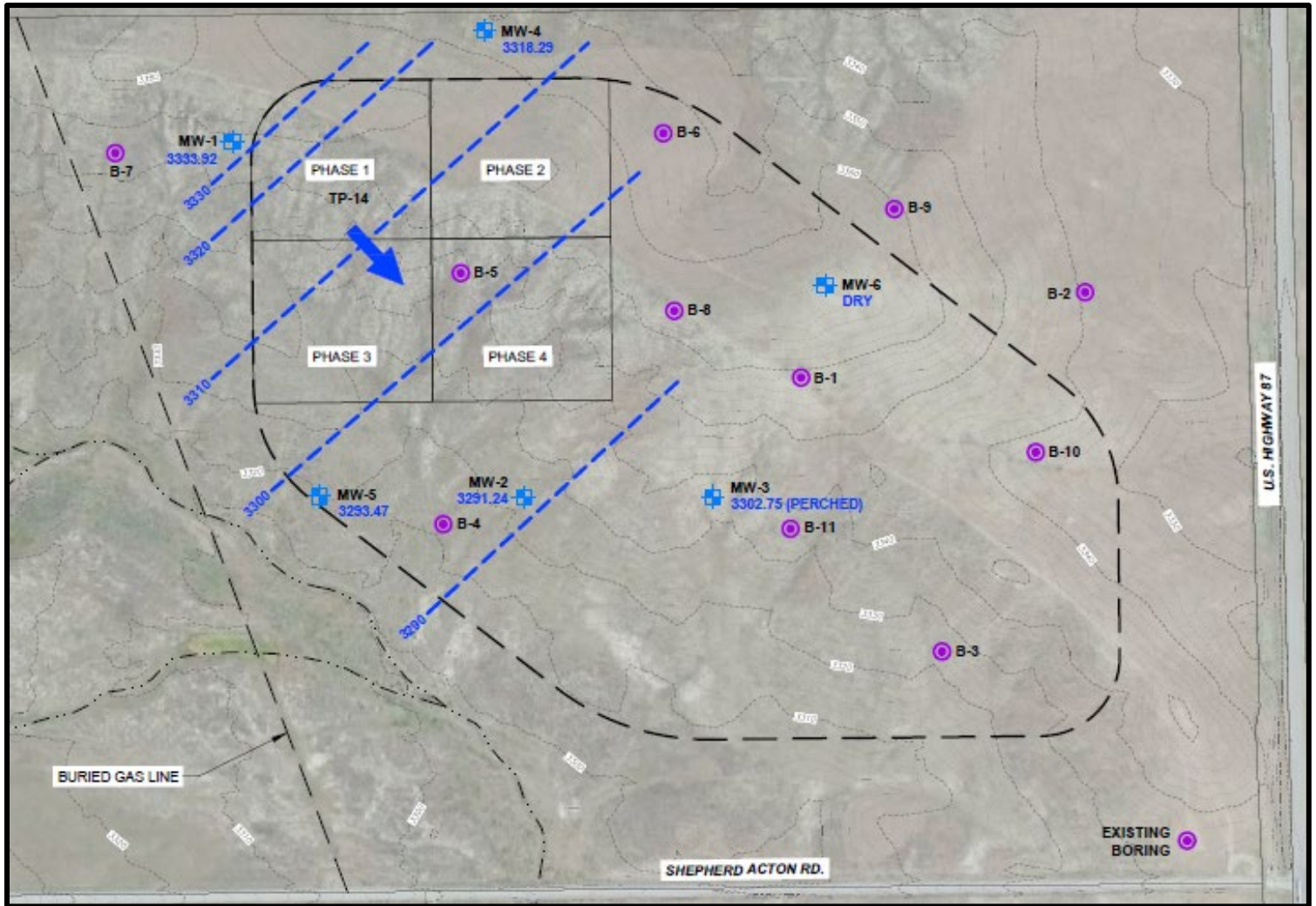
Through the application process, PSR installed six groundwater monitoring wells on the Site to better understand local groundwater. Placement of the wells were all within the permitted boundary, generally around the perimeter of the planned waste disposal areas.

According to PSR's license application, the general characteristics of soils and the uppermost saturated conditions used to determine well depth were described as:

- **Well MW-1.** The depth to uppermost saturated conditions was observed in a relatively thin (less than 1 ft thick) seam which was logged at a depth from approximately 50 to 51 ft bgs. The monitoring well screen was placed from 45 to 65 ft bgs, spanning this uppermost saturated condition.
- **Well MW-2.** The depth to uppermost saturated conditions was observed in a relatively thin (less than 1ft thick) seam which was logged at the depth of 61 to 64 ft bgs. The monitoring well screen was placed from 59 to 69 ft bgs, spanning this uppermost saturated condition.
- **Well MW-3.** The depth to uppermost saturated conditions was observed in a relatively thin (less than 1 ft thick) seam which was logged at the depth of 41 ft bgs. The monitoring well screen was placed from 38 to 48 ft bgs, spanning this uppermost saturated condition.
- **Well MW-4.** The depth to uppermost saturated conditions was observed as ‘trace moisture’ during drilling at a depth of 65 ft bgs. The monitoring well screen was placed from 65 to 75 ft bgs, spanning this uppermost saturated condition.
- **Well MW-5.** The depth to uppermost saturated conditions was observed in a relatively thin (2-inch thick) seam which was logged at the depth of 35 to 36 ft bgs. The monitoring well screen was placed from 35 to 45 ft bgs, spanning this uppermost saturated condition.
- **Well MW-6.** The depth to uppermost saturated conditions was observed as a ‘trace’ of moisture at a depth of 35 ft bgs. The monitoring well screen was placed from 35 to 50 ft bgs, spanning this uppermost saturated condition.

The newly installed wells and the inferred groundwater flow direction can be seen on **Figure 6** below. According to PSR’s license application, the uppermost groundwater aquifer is encountered at depths ranging from approximately 35 to 70 ft bgs (Great West, 2022). The groundwater elevations and hydraulic head relationships from the newly installed wells suggest a generalized groundwater flow direction to the southeast. The well purging and development data demonstrate the yield of groundwater from these uppermost saturated seams is relatively low and is extremely high in ionic abundance (namely conductance, Total Dissolved Solids, Sulfate, and Sodium) and generally unfit for human or stock consumption.

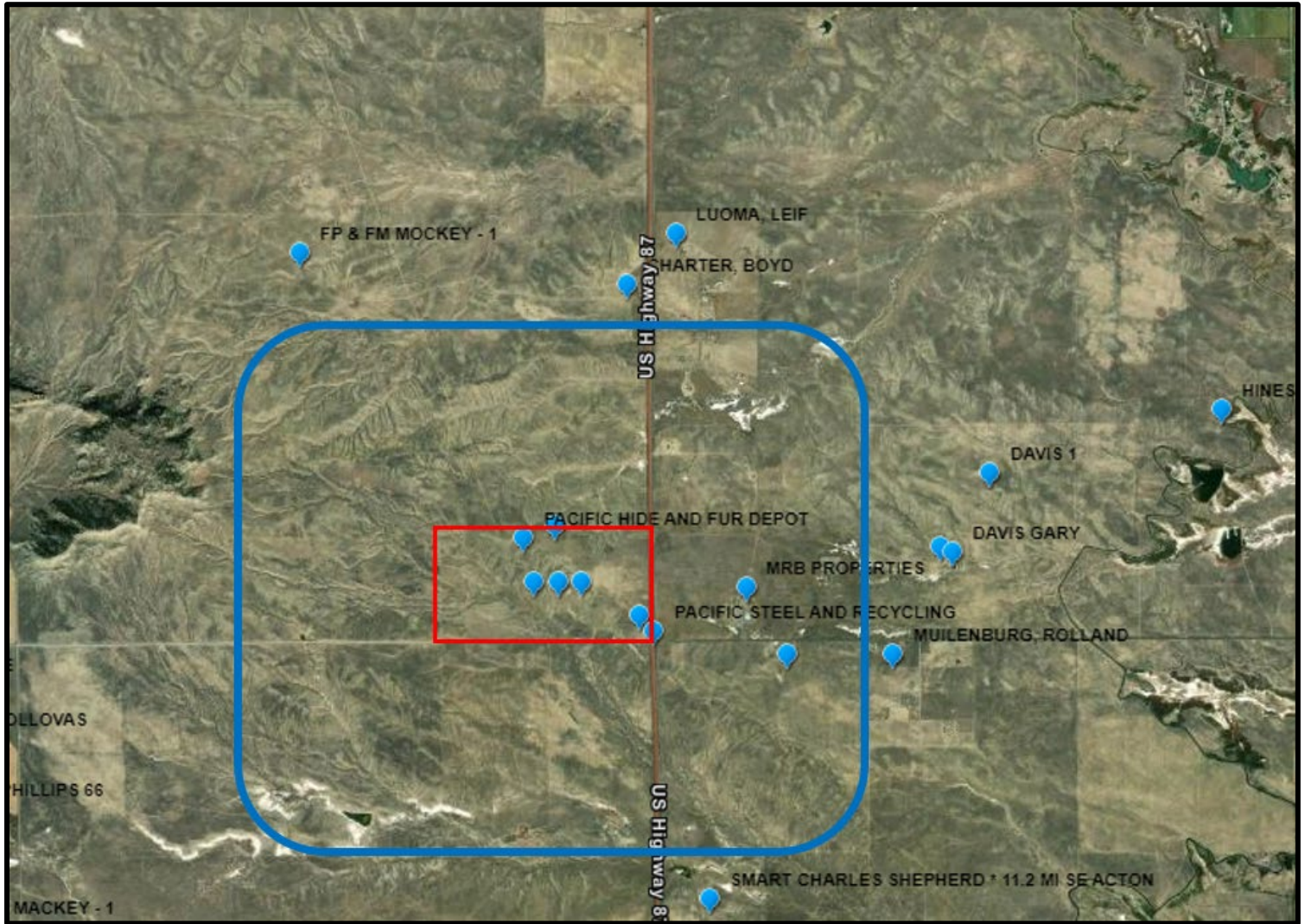
Figure 6: Groundwater Flow Map



(Source: from Figure 7 of the Pacific Steel & Recycling ASR Repository Soils and Hydrogeologic Report)

A search of the Montana Bureau of Mines and Geology Ground Water Information Center (GWIC) database indicates there are ten water-supply wells within a one-mile radius of the Site. A search of GWIC for Sections 2, 3, 4, 9, 10, and 11, Township 2N, Range 26E, and Sections 33, 34, and 35, Township 3N, Range 26E, (the nine Sections encompassing and surrounding the Site) found 15 wells with data. All but two wells within the mile study area and east of the Site are owned by PSR. Wells found within the search can be seen on **Figure 7**. As shown in *Table 5*, well averages of the surrounding Sections show an average well depth of 213 feet, an average static water level of 48 feet before ground surface, and an average yield of 19 gallons per minute.

Figure 7: Groundwater Well Map
 License boundary in red, Search within 1 mile radius of boundary in blue.



(Source: GWIC, Montana Bureau of Mines and Geology, 2023)

Table 5: GWIC Well Data

GWIC ID	Site Name	Township	Range	Section	Type	Total Depth	Static Water Level	Yield	Date	Use
311881	MRB PROPERTIES	02N	26E	2	WELL	600	106	2	11/6/2020	STOCKWATER
323347	PACIFIC HIDE AND FUR DEPOT * MW-1	02N	26E	3	WELL	65	37		9/1/2022	MONITORING
323348	PACIFIC HIDE AND FUR DEPOT * MW-2	02N	26E	3	WELL	70	32		8/30/2022	MONITORING
323349	PACIFIC HIDE AND FUR DEPOT * MW-3	02N	26E	3	WELL	48	32		8/30/2022	MONITORING
323350	PACIFIC HIDE AND FUR DEPOT * MW-4	02N	26E	3	WELL	75	40		9/1/2022	MONITORING
325918	PACIFIC HIDE AND FUR DEPOT * MW-5	02N	26E	3	WELL	45	29		8/31/2022	MONITORING
323352	PACIFIC HIDE AND FUR DEPOT * MW-6	02N	26E	3	WELL	50			8/31/2022	MONITORING
304784	HAALAND, NORM	02N	26E	3	WELL	545	74	5	5/25/2005	STOCKWATER
252353	FUCHS, GARY AND KATHY	02N	26E	11	WELL	57	24	50	6/21/2009	DOMESTIC
252353	FUCHS, GARY AND KATHY	02N	26E	11	WELL	57	24	60	6/21/2009	DOMESTIC
315108	PACIFIC STEEL AND RECYCLING - TEST DRILL	02N	26E	11	WELL	340			6/15/2021	TEST WELL
898373	FP & FM MOCKEY - 1	03N	26E	33	PETWELL					
15012	CHARTER, BOYD*	03N	26E	34	WELL	1,614.00	-62.37	2	10/17/1983	STOCKWATER
15012	CHARTER, BOYD*	03N	26E	34	WELL	1,614.00	-62.37	10	10/17/1983	STOCKWATER
209491	LUOMA, LEIF	03N	26E	35	WELL	600	85	6	2/28/2004	DOMESTIC
Averages						213	48	19		

*Wells removed from average calculations

Depth in feet, Static Water Level in feet below ground surface, Yield in gallons per minute

Under the No Action Alternative, there would be no additional impacts to surface water or groundwater beyond current activities on the Site.

Under the Proposed Action, minor impacts could potentially affect surface water and groundwater. Run-off ditches proposed by PSR would route the water around the monofill. Run-off ditches would be located between the access roads and the waste boundary which direct the water to stormwater ponds located on site. The stormwater ponds are designed to handle the 100 year, 24-hour storm event. PSR would need to obtain a SWPPP and Stormwater Discharge Permit would be provided after the Site is licensed and prior to the construction of the facility. Though these best management practices should prevent contamination, minor impacts to surface water could occur for the duration of the Proposed Action.

Additionally, the proposed liner system would be designed and installed to protect groundwater to the maximum extent required by state and federal regulations. The cells in the Facility would be constructed with a DEQ-approved alternative composite liner system consisting of a compacted native clay subgrade overlain by a 60 mil HDPE liner. A leachate collection system is also planned for the Facility. Further details of the liner and collection system are depicted in the PSR Master Plan found attached to the SWMS application. Waste cell and leachate collection system final design documents would be completed as the Facility progresses and submitted to the Montana DEQ for approval.

3.5 Geology and Soil Quality, Stability, and Moisture

The affected environment and study area include all lands and resources located within one mile of the project Site. As shown in **Figure 8** (below), The Montana Bureau of Mines and Geology (MBMG) Geologic Map of the Billings 30' x 60' Quadrangle, Montana shows the site sitting in predominantly BearPaw Shale (Kb) with small areas of alluvium (Qal) (Lopez, 2000).

As noted within the PSR license application, Great West performed test pitting on the Site. Test pit locations were selected to provide a grid-like coverage of the Site with respect to the permitted area (**Figure 9**). Subsurface conditions were logged by a field geologist onto boring logs. Additionally, test boreholes were drilled targeting the interior of the expansion area footprint in consideration of test pit locations and to account for planned or potential deeper borings or groundwater monitoring wells placed around the perimeter of the waste boundary limits. In addition to recovering and logging soil cuttings, standard-penetration test drive samples were collected.

As shown on the PSR license application (Great West, 2022), a generalized summary of observed subsurface conditions from the deep boring, which is considered representative of the overall site conditions is below:

- **0-33 ft bgs.** Field observations of the cuttings for this interval were 'silty fine SAND', brown, dry, loose. From a review of nearby test pit data and from published geologic data, this material is interpreted as a highly weathered SANDSTONE bed within the upper portion of the Bearpaw Shale Unit.
- **33-340 ft bgs.** Field observations of continuous cuttings for this depth were logged as fine-grained SHALE, grey to dark grey, moderately weathered and becoming more competent with depth. Weathered SANDSTONE beds were logged from 285 to 295 ft bgs, and from 319 to 340 ft bgs.

3.5.1 Geology

The analysis methods for geology included some review of local drilling and map information from publications of the Montana Bureau of Mines and Geology and the U.S. Geological Survey, and review of online soil maps and reports from the U.S. Department of Agriculture's Natural Resource Conservation Service.

Under the No Action Alternative, there would be no additional impacts to the site geology beyond current activities on the property. No impacts to geology are anticipated because of the Proposed Action.

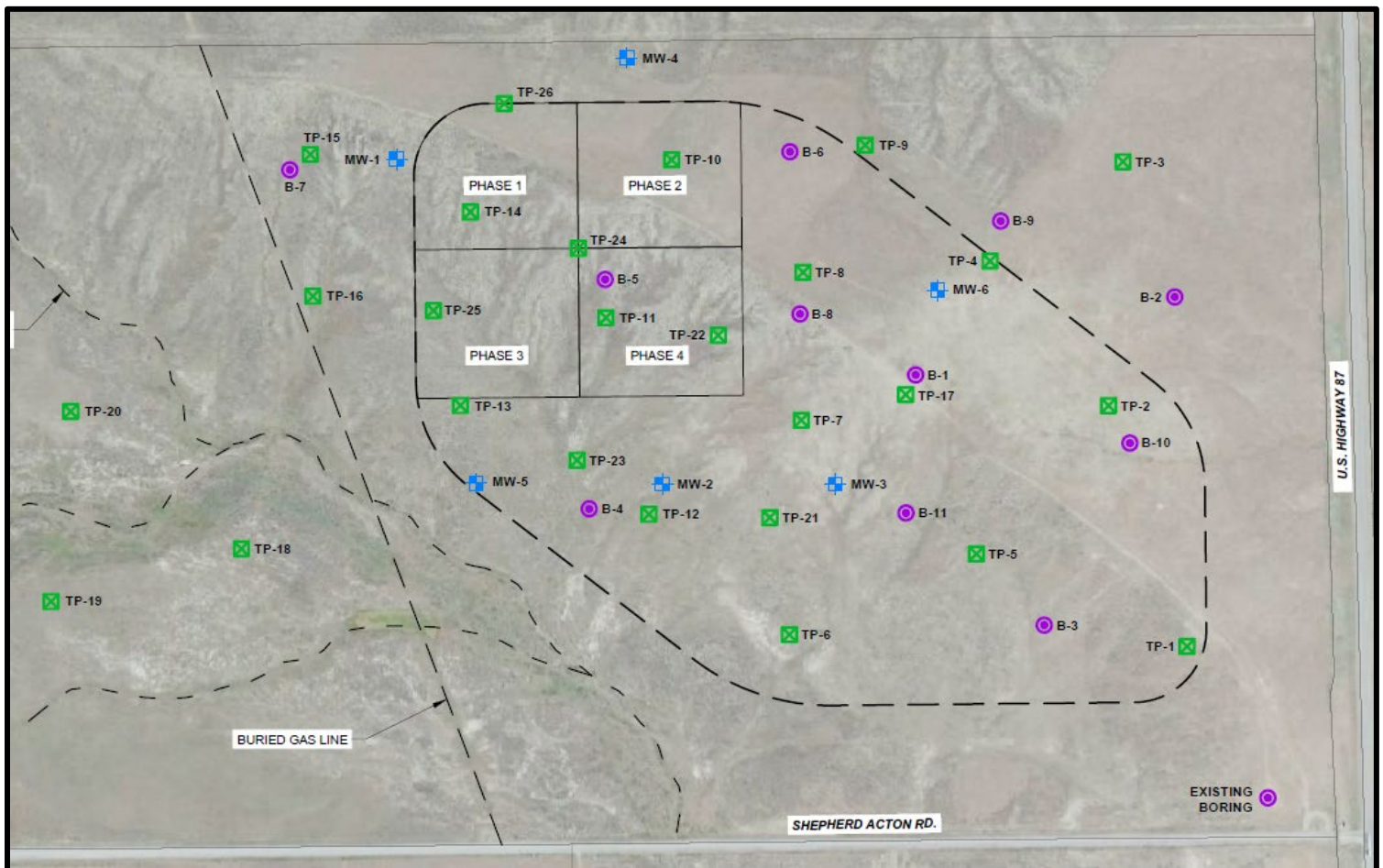
Though the Facility construction would create new topography as material is landfilled, the Facility would not affect the geology of the area. The geology of the area remains unchanged regardless of any earthmoving activities, including landfilling, that would take place.

Descriptions of the map units are described below:

- **Kb - Bearpaw Shale** (Upper Cretaceous): Dark-gray shale, commonly weathering dark brownish-gray, fissile, fossiliferous, brownish-gray calcareous concretions, and nodules are common. Middle part of formation contains numerous thin mostly greenish-gray bentonite beds; thin sandstone beds are common near the top. The thickness is about 800 feet but thins westward to 200 to 300 feet.
- **Qal - Alluvium** (Holocene): Gravel, sand, silt, and clay along active channels of rivers, creeks, and tributaries. Coarse, well-rounded gravel restricted mainly to Pryor Creek and Yellowstone River drainages. Most sediment in tributary drainages is sand, silt, and clay derived from local Cretaceous sandstone and shale bedrock.

Source Montana Bureau of Mines and Geology, 2000)

Figure 8: Test Pit, Boring, and Monitoring Well Locations



(Source: from Figure 4 of the Pacific Steel & Recycling ASR Repository Soils and Hydrogeology Report)

Not to Scale

3.5.2 Soils

Figure 10 shows a soils map of the project site and study area obtained from the United States Department of Agriculture (USDA) National Resources Conservation Service (NRCS) web soil survey.

As shown in **Figure 10** and described within the map legend, much of the project area consists of Pierre clay, Haverson and Lohmiller soils, Midway-Razor clay loams, Arvada-Bone silty clay loams, and Pierre-Lismas clays. Much of the proposed 90-acre project area lies within Pierre clay or Midway-Razor clay loams. Both are considered well drained, are not frequent to flooding or ponding, and have a very low available water supply. Both units show bedrock lies between 12 and 31 inches below surface and both are considered not prime farmland. Many of the other soils have similar features and typically consist of silty clay, clay, or clay loam from 0-60" in depth.

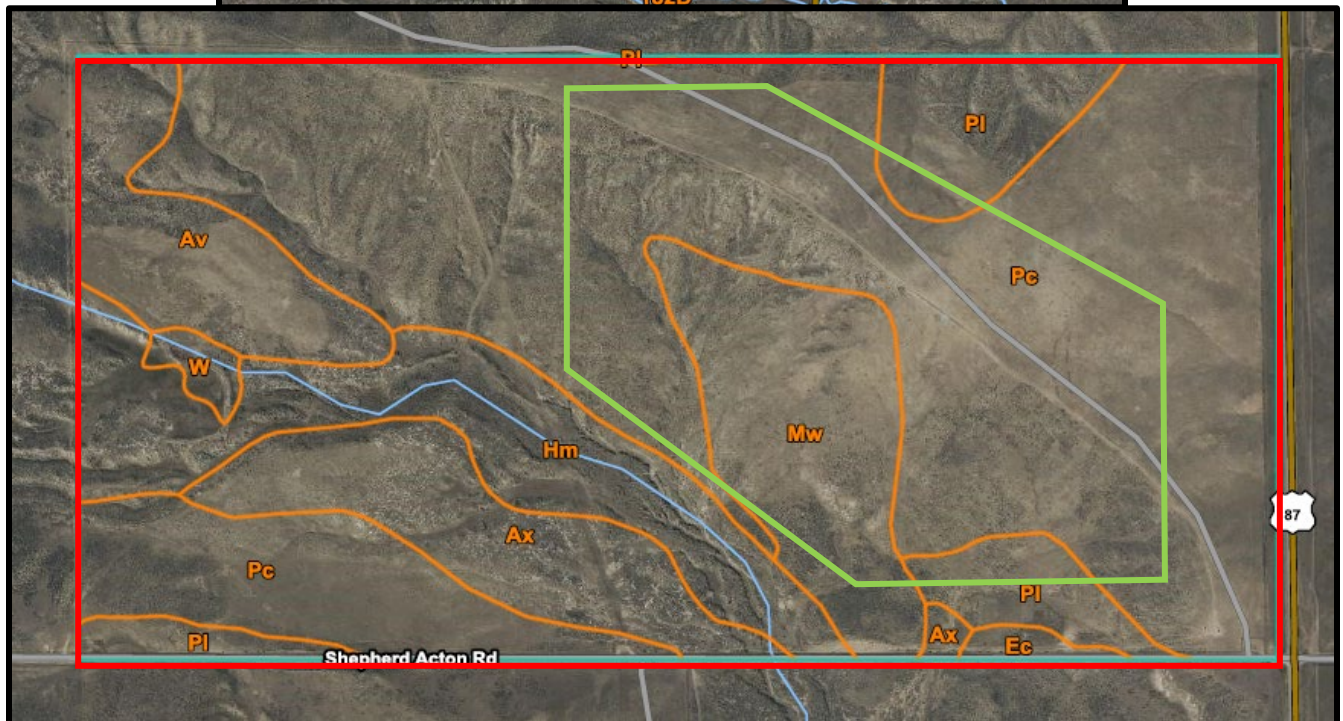
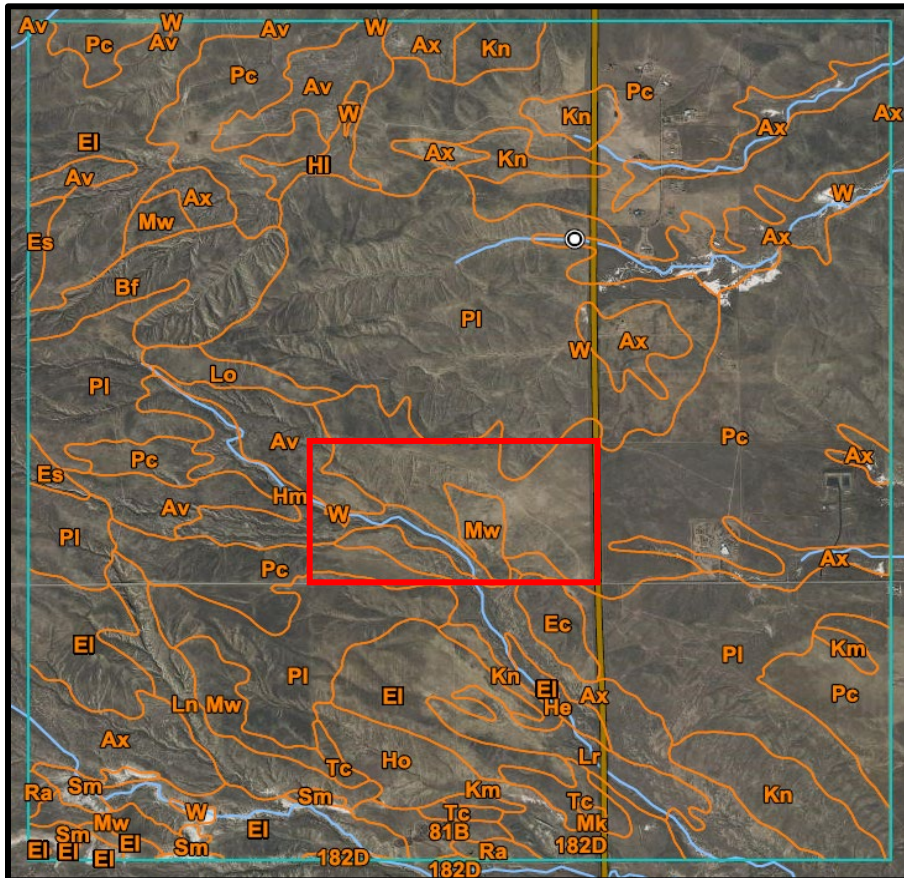
Under the No Action Alternative, there would be no additional impacts to the existing soils on the property. The Site would continue to be vacant grassland and no disturbance would occur.

Under the Proposed Action, impacts to soil would be minor.

Soil would be disturbed during construction and disposal activities. The current land use would change from generally unused grassland to construction and operation of an ASR landfill. This change in use would result in a minor impact to surface and subsurface soils during the life of the Class II solid waste management system. The Proposed Action would require the excavation of onsite soils to allow landfilling of ASR. Removed soils would be stockpiled onsite for use as daily, intermediate, and final cover. The largest stockpile would be located to the east of the landfill cell used as a visual barrier from the highway. This pile would be seeded with a native mixture to prevent erosion and resemble the surrounding area. During operation, BMPs such as ditches, berms, and daily and intermediate cover (including vegetation) would be implemented to reduce erosion and direct stormwater appropriately. The Site's final cover would consist of a one-foot-thick layer of native soils, a two-foot layer of select native soil, and a one-foot-thick layer of native sand and topsoil augmented accordingly. Topsoil would then be seeded to provide a vegetated surface cover. Upon closure, it would be grassland. Soil removal, cell, and road construction would occur approximately every three to five years, not to exceed 13 years, over the Facility Life.

Figure 9: Soils Map

Site in **red**, Study Area in **teal** on top, Zoomed in license boundary in **lime green** on bottom.



(Source: U.S. Department of Agriculture, Natural Resource Conservation Service)

Not to Scale

Table 6: Soils Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
81B	Delpoint-Cabbart loams, 2 to 8 percent slopes	33.2	0.6%
182D	Cabbart-Delpoint loams, 4 to 15 percent slopes	71.1	1.2%
Av	Arvada clay loam, 1 to 4 percent slopes	237.3	4.1%
Ax	Arvada-Bone silty clay loams, 0 to 1 percent slopes	611.1	10.6%
Bf	Bainville-Elso-Shale outcrop complex, 7 to 25 percent slopes	137.9	2.4%
Ec	Elso clay loam, 4 to 7 percent slopes	37.3	0.6%
El	Elso clay loam, 7 to 15 percent slopes	561.4	9.8%
Es	Elso-Lohmiller complex, 15 to 35 percent slopes	26.4	0.5%
He	Haverson silty clay loam, 1 to 3 percent slopes	21.1	0.4%
HI	Haverson and Lohmiller soils, 0 to 4 percent slopes	29.0	0.5%
Hm	Haverson and Lohmiller soils, channeled, 0 to 35 percent slopes	112.4	2.0%
Ho	Heldt silty clay loam, 4 to 7 percent slopes	70.3	1.2%
Km	Kyle silty clay, 1 to 4 percent slopes	16.6	0.3%
Kn	Kyle silty clay, 4 to 7 percent slopes	210.6	3.7%
Ln	Lismas clay, 15 to 35 percent slopes	94.5	1.6%
Lo	Lohmiller silty clay, 3 to 7 percent slopes	36.5	0.6%
Lr	Lohmiller silty clay, 0 to 1 percent slopes	74.5	1.3%
Mk	McKenzie clay, 0 to 1 percent slopes	2.5	0.0%
Mw	Midway-Razor clay loams, 4 to 7 percent slopes	118.6	2.1%
Pc	Pierre clay, 4 to 7 percent slopes	1,748.7	30.4%
Pl	Pierre-Lismas clays, 7 to 15 percent slopes	1,365.2	23.8%
Ra	Razor clay loam, 2 to 7 percent slopes	16.9	0.3%
Sm	Shale outcrop-Midway complex, 15 to 35 percent slopes	50.0	0.9%
Tc	Thurlow clay loam, 4 to 7 percent slopes	50.0	0.9%
W	Water	11.1	0.2%
Totals for Area of Interest		5,744.6	100.0%

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Av	Arvada clay loam, 1 to 4 percent slopes	19.8	6.2%
Ax	Arvada-Bone silty clay loams, 0 to 1 percent slopes	23.9	7.5%
Ec	Elso clay loam, 4 to 7 percent slopes	1.7	0.5%
Hm	Haverson and Lohmiller soils, channeled, 0 to 35 percent slopes	34.4	10.8%
Mw	Midway-Razor clay loams, 4 to 7 percent slopes	27.9	8.8%
Pc	Pierre clay, 4 to 7 percent slopes	183.5	57.9%
Pl	Pierre-Lismas clays, 7 to 15 percent slopes	23.7	7.5%
W	Water	2.2	0.7%
Totals for Area of Interest		317.2	100.0%

(Source: U.S. Department of Agriculture, Natural Resource Conservation Service)

3.6 Vegetation Cover, Quantity, and Quality

The affected environment and study area include all lands and resources located within one mile of the project Site. The Site and study area are shown in **Figure 11**.

Land cover in the study area is described by the following types and quantities. Descriptions of the predominant vegetative covers are as follows.

67% Sagebrush Steppe	67% (7,722 Acres) Big Sagebrush Steppe
16% Lowland/Prairie Grassland	15% (1,714 Acres) Great Plains Mixedgrass Prairie 1% (145 Acres) Great Plains Sand Prairie
8% Agriculture	8% (925 Acres) Cultivated Crops <1% (29 Acres) Pasture/Hay
3% Floodplain and Riparian	2% (260 Acres) Greasewood Flat 1% (131 Acres) Great Plains Riparian
2% Conifer-dominated forest and woodland (xeric-mesic)	1% (83 Acres) Great Plains Ponderosa Pine Woodland and Savanna 1% (78 Acres) Rocky Mountain Foothill Woodland-Steppe Transition <1% (20 Acres) Rocky Mountain Foothill Limber Pine - Juniper Woodland
2% Developed	1% (65 Acres) Other Roads <1% (57 Acres) Major Roads <1% (39 Acres) Low Intensity Residential <1% (15 Acres) Developed, Open Space
1% Introduced Vegetation	1% (157 Acres) Introduced Upland Vegetation - Annual and Biennial Forbland
<1% Deciduous Shrubland	<1% (34 Acres) Great Plains Shrubland
<1% Depressional Wetland	<1% (19 Acres) Great Plains Saline Depression Wetland <1% (10 Acres) Great Plains Closed Depressional Wetland <1% (0 Acres) Great Plains Open Freshwater Depression Wetland
<1% Cliff, Canyon and Talus	<1% (4 Acres) Great Plains Cliff and Outcrop
<1% Herbaceous Marsh	<1% (2 Acres) Emergent Marsh

Source: MTNHP

Most of the study area is covered in Sagebrush Steppe, Lowland/Prairie Grassland, and Agriculture. The MTNHP descriptions of Vegetative Cover for the three predominant land covers are shown below:

Sagebrush Steppe: Perennial herbaceous components typically contribute greater than 25% vegetative cover and consist mostly of rhizomatous and bunch-form graminoids, with a diversity of perennial forbs. In Montana, the dominant graminoid in this system is western wheatgrass (*Pascopyrum smithii*).

Great Plains Mixed Grass Prairie: Dynamic vegetative communities make up this diverse prairie ecosystem. Vegetation is a mixture of mid and short grasses, generally having an average height of 30 centimeters (12 inches). Throughout the Montana portion of this system, rhizomatous western wheatgrass is the dominant component, especially on finer-textured soils and where the moisture balance is favorable. Grasses were typically used by large herbivores such as bison, but since European settlement, herbivores such as cattle and sheep have been the primary users of the vegetation.

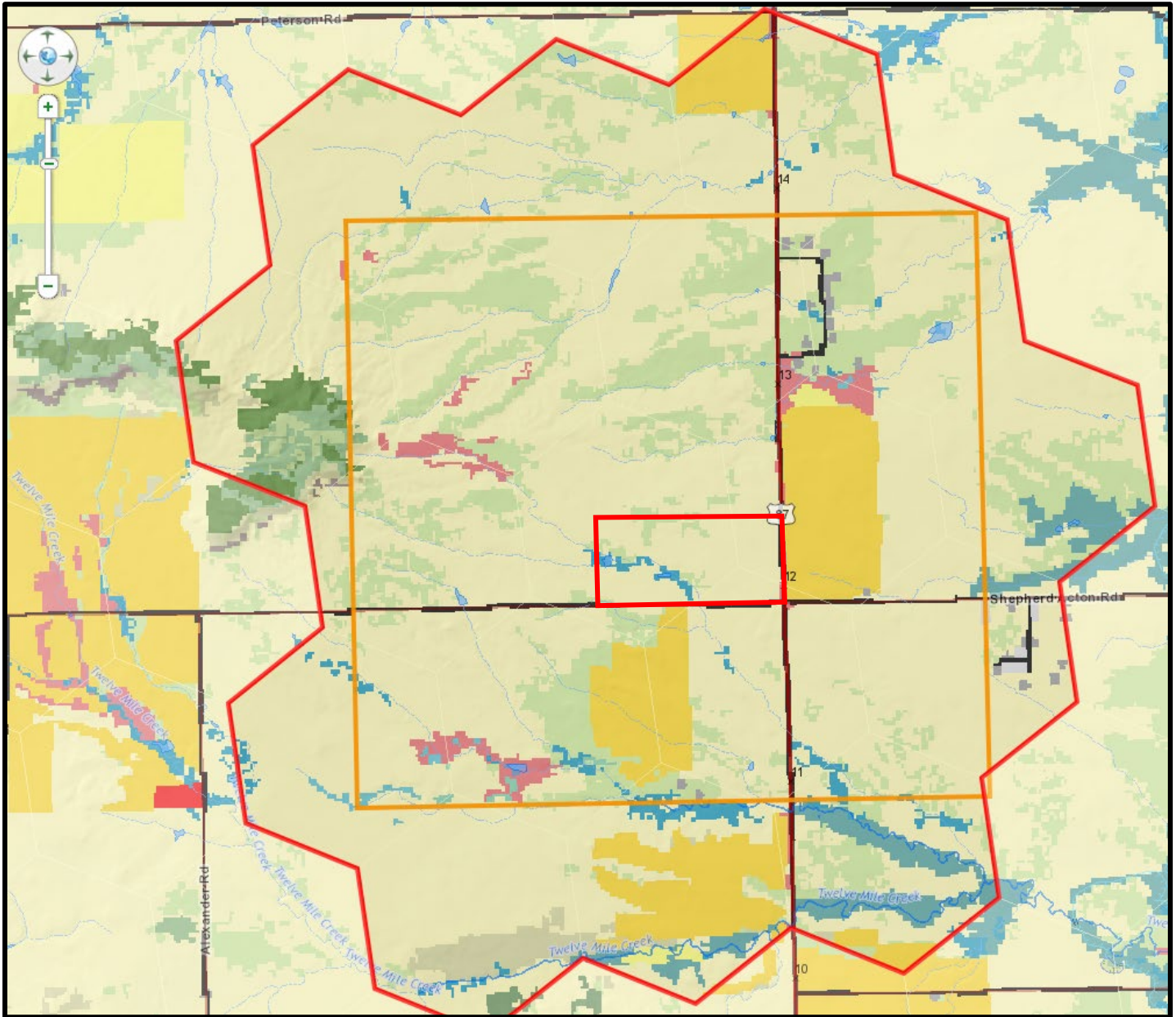
Near the Canadian border and at higher elevations with greater precipitation, this system grades into grasslands dominated by rough fescue and Idaho fescue. These two tussock grasses are indicative of more mesic sites and characterize the Rocky Mountain Lower Montane, Foothill and Valley Grassland system. In these border regions, shrub-loving wildlife such as antelope, mule deer, and sage grouse are common. Previously cultivated acres may have been re-vegetated by non-native plants creating associations such as Kentucky bluegrass/western wheatgrass and pure stands of crested wheatgrass. Sites with a strong component of green needlegrass indicate a more favorable moisture balance, although this is one of the most palatable of the mid-grasses. Needle and thread is also an important component; it increases with coarser soil textures, or under heavy grazing at the expense of western wheatgrass. Extreme overgrazing can result in the loss of western wheatgrass from the system.

Cultivated Crops: These areas are used to produce crops, such as alfalfa, corn, small grains, seed crops, and vegetables, typically on an annual cycle. Agricultural plant cover is variable depending on the season and type of farming and may be dry-farmed or irrigated.

Under the No Action Alternative, the Site would not be approved by DEQ. There would be no additional impacts to the vegetation on the property, and the site would continue to be grassland with no disturbance.

Under the Proposed Action, vegetation would be disturbed during construction and operation of the Active Cell for the Cell Life over the Facility Life. While PSR is proposing to re-establish native grasses and vegetation to match existing conditions during the closure process, minor impacts to vegetation are anticipated during the construction and operation of the facility due to the removal of soil and vegetation to construct the 90-acre Facility. Soil removal activities and ground disturbances may result in the potential of noxious weed growth at the Site. Any approval of weed plans or mitigation would fall to Yellowstone County.

Figure 10: Vegetative Cover Map
Approximate Site in red (rectangle), Study Area in orange.



(Source: Montana Natural Heritage Program, Land Cover Map Viewer)

3.7 Aesthetics

The following aesthetic categories are discussed below in accordance with their impact due to the Proposed Action. All the below would occur for Facility Life.

3.7.1 Odors and Visuals

Class II solid wastes do produce gases, primarily hydrogen sulfide and ammonia, from the bacterial breakdown of waste material resulting in odors. The amount of gas produced depends on the type of waste present, the age of the waste, oxygen content, the amount of moisture, and temperature, and the amount of time and conditions under which the waste is stockpiled or disposed. Gas formation increases as the

temperature and moisture content increase. No amount of putrescible municipal solid waste (MSW) would be present at the Site.

Under the No Action Alternative, there would be no impacts to odor. The Site would continue to be vacant grassland and no odors would be produced. Further, no visuals would be impacted because the Site would not be developed for landfilling activities.

PSR only proposes to dispose of ASR on the Site. Odors or visuals from the disposal of ASR are expected to be negligible since ASR is not degradable and does not have a strong odor. Additionally, the daily, intermediate, and final proposed covers would provide further odor control. Visually, the Site would look like a typical landfill. Once closed, there would be new topography, but it would be revegetated to resemble the surrounding area.

Minor impacts from odors and visuals are anticipated because the Proposed Action would produce increased industrial activity due to the need for construction contractors, machinery, and associated equipment and materials. Machinery would be necessary to run the facility and would likely produce small amounts of exhaust odor. The odors produced are unlikely to reach neighboring properties, however, as the surrounding area is sparsely populated.

Figure 11: Rendering of Landfill in Future



(Source: Great West Engineering (Not to scale))

3.7.2 Vectors

Vectors that can create health hazards and nuisances include flies, mosquitoes, rodents, and birds. Vectors are not expected to be an issue at this facility since the ASR is not putrescible and is unattractive to vectors.

No impacts from vectors are anticipated because of the Proposed Action.

3.7.3 Traffic

Traffic on US Highway 87 North near the Site currently consists of normal vehicle traffic, haul trucks, local area farming trucks, and other agricultural equipment. During construction activities, from June 17, 2024, to January 2025, there would be additional temporary increase in the volume of traffic to and from the Site to support additional workers during construction, but these additional vehicles are not expected to adversely influence traffic patterns and would be only a relatively short duration during construction efforts. After the landfill is constructed, the volume of future traffic is anticipated to be slightly more than existing or present-day traffic including five to ten extra trucks a day during operation (Great West, 2022).

The effects of temporary increases on traffic are expected to be negligible or have minimal impact on traffic networks or patterns. A Traffic Impact Study was completed for the proposed project by Great West and submitted in the application. The Traffic Impact Study concluded that no infrastructure improvements are necessary to accommodate the additional traffic that the project would generate. However, based on this study, PSR agreed to work with Yellowstone County to install rumble strips along Shepherd Acton Road to improve intersection safety. PSR would drive directly up Highway 87 to Shepherd Acton Road. The proposed additional traffic is five to ten trucks a day during operations. Standard operations would occur during normal business hours (8:00am to 5:00pm). Operations would occur no later than 7:00pm in special circumstances.

Minor impacts from traffic are anticipated because of the Proposed Action for Facility Life.

3.7.4 Noise

As provided within the PSR's license application, noise control at the Site is needed for comfort and safety of on-site personnel and to avoid nuisance to the surrounding community (Great West, 2022). The Site is to be located approximately one mile from the nearest neighbor, which further minimizes adverse noise impacts from construction and operation of the Facility.

Noise limitations imposed by the Department of Labor and Industries must be observed to protect employees from hearing damage. The PSR Operation & Maintenance Plan provided the following procedures which would be implemented at the site to minimize noise:

- Maintain proper mufflers on vehicles and operating equipment
- Periodically monitor decibel levels of each machine
- Provide ear protection devices for operators
- Provide annual hearing tests and training per the Hearing Conservation Program
- Maintain perimeter buffer

Minor impacts from noise are anticipated because of the Proposed Action for Facility Life. Standard operations would occur during normal business hours (8:00am to 5:00pm). Operations would occur no later than 7:00pm in special circumstances.

3.8 Air Quality

Air quality may be impacted due to:

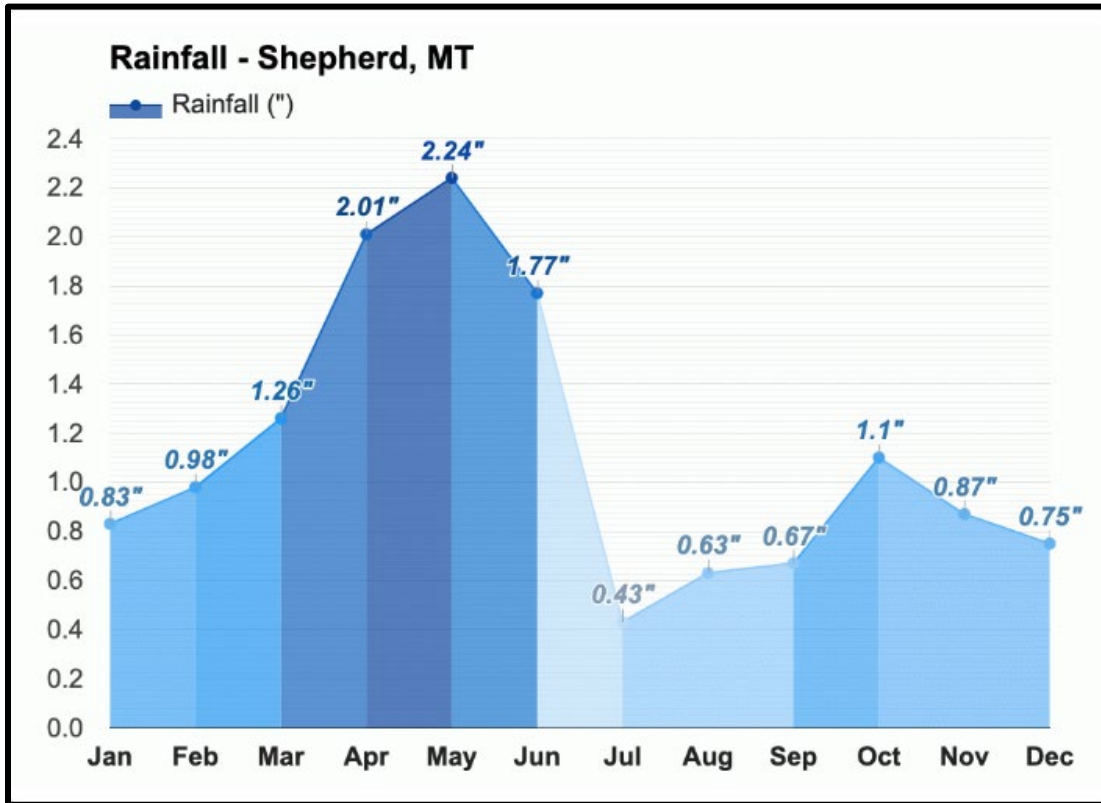
- (1) increased levels of airborne dust particulates potentially generated from construction, earthwork, maintenance, and traffic to/from the landfill during ongoing waste disposal activities.

Landfill gas emissions would not be an issue with this facility since the ASR material is not putrescible. Air quality impacts due to airborne dust and particulate matter may occur as related to earthwork/moving activities during repository construction/excavation, and traffic to/from the landfill via increased traffic related to construction activities. Air quality impacts due to general operations are not anticipated to be

adverse. During construction activities and periods of dry conditions during routine hauling of waste, BMPs such as dust suppression, or watering the haul roads would effectively reduce air quality impacts.

According to weather-us.com, Shepherd, Montana averages 13.54 inches of rainfall a year, well below the United States average of 38.1 inches. **Figure 13** shows the average rainfall per month trend for Shepherd, Montana. Typical seasons show a rainy Spring with May having on average 17.8 days of rainfall, averaging 2.24 inches. The warmest and driest month of the year is July, experiencing 85.5-degree Fahrenheit temperatures, 7.4 days of rain per month, totaling on average 0.43 inches.

Figure 13: Average Rainfall



(Source: <https://www.weather-us.com/en/montana-usa/shepherd-climate>)

The warm dry summers are likely to be the time when fugitive dust is highest. Windy conditions during dry periods can generate the most fugitive dust if dust suppression methods are not applied. Water or chemical dust suppressants can be used to control fugitive road dust if necessary. Water or a chemical dust suppressant can be applied at a rate that would not cause runoff or erosion. Applications of water and chemical dust suppressants could reduce fugitive dust emissions by up to 50 to 80 percent if correctly applied.

DEQ administrative rules require all facilities to comply with applicable air quality requirements. These include restrictions on particulate matter emissions to not exceed an opacity of 20 percent or more averaged over 6 consecutive minutes, whether from fugitive dust sources or from combustion sources, per ARM 17.8.304 and ARM 17.8.308. In addition, ARM 17.8.308 also requires that facilities take reasonable precautions to control emissions of airborne particulate matter from the production, handling, and storage of any material and to apply reasonable precautions to any street, road, or parking lot. As described above, PSR can control fugitive dust at the Site by watering roads as an effective method for reducing fugitive dust

emissions. PSR proposes to utilize a Dust Boss misting system to prevent dust transport off site. Dust Boss is a nationally proven dust control approach.

PSR's operations during wind are as follows:

- When continuous wind speeds as defined by a ten-minute period exceed 35 mph, Pacific would immediately place and compact ASR upon arrival on site to mitigate windblown material.
- When continuous wind speeds exceed 45 mph, Pacific would close the facility until wind speeds have subsided for at least two hours before reinitiating operations.
- When instantaneous wind gusts exceed 55 mph, Pacific would close the facility until wind speeds have subsided for at least two hours before reinitiating operations.

The following operational practices prevent waste from blowing offsite:

- Waste is compacted and covered at the end of each working day with six inches of soil.
- Litter control fences would be placed on the property boundary and portable litter screens would be placed downwind of the active working area of the landfill. These screens allow quick movement to adjust with wind direction.
- Any litter that collects in fences would be picked by staff.
- Provisions for ceasing operations during wind events are noted above and in the supplemental licensing information document at the link above.

PSR's Fire Protection Program outlines operators using equipment to isolate waste and extinguish a fire with soil. A 30,000-gallon wildland fire fighting fill cistern would be located at the southeast corner of the site. This would be designed and constructed per Shepherd Volunteer Fire Department standards.

Under the No Action Alternative, there would be no additional impacts to the existing air quality beyond current activities on the Site.

Minor impacts to air quality are anticipated because of the Proposed Action.

3.9 Cultural Uniqueness and Diversity

Under the No Action Alternative, there would be no additional impacts to the existing cultural resources and archaeological sites on the property. The Site would continue to be grassland and no impacts would be made.

Within the PSR license application, a Class III Cultural Resource Survey and Report was completed. The Report was completed by Rabbitbrush Archaeological Services, LLC and can be found as Appendix J in the Application (Great West, 2022). No cultural resources were discovered which would be impacted by the proposed project. It is not anticipated that the Proposed Action would cause a shift in any unique quality of the area.

No impacts on historical and archaeological sites are anticipated because of the Proposed Action.

3.10 Human Health & Safety

Under the No Action Alternative, the Site would not be approved by DEQ, and there would be no impacts to human health and safety.

Under the Proposed Action, minor potential impacts to human health and safety may occur. No hazardous waste sites are located within the study area.

Since construction of the proposed facility would need to occur, there is anticipated to be a minor impact to site workers during the construction phases and throughout the life of the Class II facility. Working near

vehicles, haul trucks, and heavy machinery would always present a level of danger to site workers. PSR has proposed a Safety Program within their Operation and Maintenance Program that would be implemented and always followed. In accordance with their safety program (Great West Engineering, PSR License Application, page 288), the following information was provided:

“The implementation of a safety program is necessary for protecting life and property from injury and damage. Thorough knowledge of this plan by the employees will be required to facilitate immediate action if any situation should arise. All employees should read and be familiar with Pacific Steel’s Safety Manual and Standards. Safety at the site is the responsibility of all personnel active at the site. The site manager and company safety officials shall be in charge of implementing the safety program at the site. Records will need to be kept verifying training, accidents, and situations that may lead to unsafe working conditions.”

Minor impacts on human health and safety are anticipated because of the Proposed Action.

3.11 Quantity & Distribution of Employment

Under the No Action Alternative, the Site would not be approved by DEQ. If the Site is not approved and no ASR landfill is built, no jobs would be created, and no distribution of employment would enter the nearby region.

Under the Proposed Action, the Site would be constructed and operate as a Class II SWMS ASR Monofill for up to 122 years. The facility would create jobs not only during construction (determined by the awarded contractor), but during operation, approximately two jobs would be created. There is an anticipated minor increase in temporary workers during the construction phases, as well as the assumption that additional workers would be needed to operate and maintain the facility throughout its lifetime. The additions of temporary and full-time workers would have a minor beneficial impact on the quantity of employment in the region.

One staff would be a site foreman/lead equipment operator. Another position is the equipment operator/site maintenance position.

3.12 Local & State Tax Base Revenues, and Property Values

In the past 30 years, various research has been done on the effects of landfills on property values. This research pertains more to hazardous and municipal solid waste landfills, which this facility is not. Because of the similar natures of these operations, this study informs the effect of similar operations.

These studies have yielded inconsistent results. Typically, hedonic regression models have been used to try to isolate the effects of landfills on property values holding all other variables constant. Surveys have also been used in studies. Some studies show statistically significant adverse effects of landfills on property values. Generally, larger effects on property values are seen from larger landfills, less modern landfills, landfills that accept hazardous waste or pose health risks, areas with negative perceptions of landfills, landfills that are more visible, and higher end properties. However, even these effects are not robust across all studies and not all these effects were studied in every study. A study by Bouvier, RA., et al. entitled, "The Effect of Landfills on Rural Residential Property Values: Some Empirical Evidence," does not provide grounds for broad generalization about the effect of rural landfills on property values (2000, The Journal of Regional Analysis & Policy). It finds that in five of the landfills studied (in rural to semi-rural areas), no statistically significant evidence of an effect from landfills was found. In the remaining case, evidence of an effect was found, indicating that houses near this landfill suffered an average loss of about six percent in value. This significant case was a landfill that was unlined and uncapped and is on EPA's "potential health risk" list. Bouvier suggests that each landfill be studied on a case-by-case basis. A study by C.P. Cartee, entitled "A Review of Sanitary Landfill Impacts on Property Values," found that while it generally is believed that landfills negatively impact property values, in some cases, the development of a sanitary landfill may enhance a

property's value (1989, Real Estate Appraiser and Analyst). It finds that the introduction of new roads, utilities, and drainage may stimulate development and lead to increases in land values.

No impacts to local and state tax base revenues are anticipated because of the No Action Alternative.

Under the Proposed Action, the short-term influx in local employment during construction phases of the project and the addition of operational jobs would result in a beneficial impact to the local tax base. Should the facility be constructed, the taxable value of the property would increase, therefore increasing the tax revenue from this specific parcel. The additional tax revenue generated from the execution of the Proposed Action would be a positive benefit for the local and regional community for Facility Life.

3.13 Demand for Government Services

Under the No Action Alternative, there would be no additional impacts to the demand for government services in conjunction with oversight of the property. The Site would continue to be vacant grassland and no need for governmental services would be present.

Under the Proposed Action, minor impacts to the demand for government services are expected. The Site would be approved as a Class II solid waste management system and require DEQ regulation, oversight, and compliance. The Yellowstone County sanitarian would conduct periodic inspections as needed. Current staff, not associated with the government, would oversee operations and maintenance. No additional DEQ or Yellowstone County staff would be acquired because of the Proposed Action.

3.14 Industrial, Commercial, and Agricultural Activities

Under the No Action Alternative, there would be no additional impacts to industrial, commercial, and agricultural activities on the Site. The Site would continue to be grassland. According to the application, the Site is intermittently used for the grazing of cattle. Under the Proposed Action, the site would no longer be usable for cattle grazing; however, the 320-acre parcel is small in comparison to the large swaths of nearby agricultural land. The ranchers using the site for grazing likely have many other nearby options.

Construction of the proposed landfill would result in a minor increase to industrial activity due to the need for construction contractors, additional machinery, and associated equipment and materials. Due to the relocation of cattle intermittently grazing the property and the increase of industrial activity from the Proposed Action, minor impacts to industrial, commercial, and agricultural operations are anticipated.

3.15 Private Property

MEPA requires state agencies to evaluate regulatory restrictions proposed to be imposed on private property rights because of major actions of state agencies, including an analysis of alternatives that reduce, minimize, or eliminate the regulators of private property (Section 75-1-201(1)(b)(iv)(D), MCA). Alternatives and mitigations measures required by Federal or State laws and regulations to meet minimum environmental standards, as well as actions proposed by or consented to by the applicant, do not need to be subjected to a regulatory restrictions analysis.

The Facility is located on private land owned by the applicant. No aspect of the alternatives under consideration would restrict the use of private lands or regulate their use beyond the permitting process prescribed by the SWMA. The conditions that would be imposed by DEQ is issuing the license would be designed to make the project meet minimum environmental standards or have been proposed and/or agreed to by PSR. Thus, no further analysis is required.

3.16 Cumulative Impacts

Cumulative impacts are the collective impacts on the human environment within the borders of Montana of the Proposed Action when considered in conjunction with other past, present, and future actions related

to the Proposed Action by location or generic type. Cumulative impact analyses help to determine whether an action would result in significant impacts when added to other activities.

At this time, there are no negative cumulative impacts associated with the licensing of the Class II facility under the Proposed Action. No nearby past, present, or future actions are anticipated to pair with the Proposed Action and exacerbate impacts.

3.17 Unavoidable Impacts

Under the No Action Alternative, there would be no unavoidable impacts to the Site or surrounding study area. The Site would remain vacant grassland.

Residual impacts from the Proposed Action would include the loss of developed soil and vegetation from approximately 90 acres of the 320-acre site for ASR use. However, topsoil would be placed as part of the cap construction during final closure of the facility. The topsoil would be reseeded with native vegetation. Some sediment control structures would remain, and the capped units would appear as manmade features across the landscape. Post-closure land use would be restricted to animal grazing. No structures that require the placement of footings or foundations are allowed over closed landfill units. Any disturbance of the closed landfill final cover for construction of any structure would have to be approved in advance by DEQ. Plant communities dominated by native plants would be replaced by reclaimed plant communities on the property. Noxious weeds would be treated to ensure revegetation by native grasses occurs as required by the county weed control program. The disturbed areas would be reclaimed, reseeded, revegetated, and a program implemented to inventory and treat noxious weeds would be implemented.

Additional unavoidable impacts would be the visual development of the proposed site and all necessary machinery and buildings. Local citizens, workers, and passersby would see the operation of a Class II facility instead of native grassland. The visual aspect of the site would change, but closure procedures would allow the site to return to grassland and grazing at the end of the facility life. It is stated within the PSR application that following waste disposal activities, the site would be covered in accordance with their Closure Plan and revegetated to match native vegetation to allow for wildlife habitat and livestock grazing. While this is the appropriate closure procedure, if the Site is not mined or recovered to remove the ASR waste, the unavoidable impact is that a monofil now exists on this property and would be located on site indefinitely. Development, reuse, and overall public perception of the property would be adversely impacted.

3.18 Greenhouse Gas Assessment

Issuance of this permit would authorize use of various equipment and vehicles to assist in proper disposal of approximately 25,000 tons of ASR per year. This would require the use of a tractor, a compactor, an excavator, and a semi-truck. Annually, the typical capacity of fuel for a compactor to landfill is between 1,500 and 1,800 gallons, a tractor is between 1,500 and 1,800 gallons, and excavator is between 1,500 and 1,800 gallons, and a semi-truck is between 4,000 and 5,000 gallons.

The assessment area for this resource is limited to the activities regulated by the issuance of the Class II Solid Waste Management License which is construction and operation of a Class II Solid Waste Management System, or the Proposed Action. The amount of diesel fuel utilized at this site may be impacted by a number of factors including seasonal weather impediments and equipment malfunctions. To account for these factors, DEQ has calculated the range of emissions using a factor of +/- 10% of PSR's estimate.

For the purpose of this assessment, DEQ has defined greenhouse gas emissions as the following gas species: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and many species of fluorinated compounds. The range of fluorinated compounds includes numerous chemicals which are used in many household and industrial products. Other pollutants can have some properties that also are similar to those mentioned above, but the EPA has clearly identified the species above as the primary GHGs. Water vapor is also

technically a greenhouse gas, but its properties are controlled by the temperature and pressure within the atmosphere, and it is not considered an anthropogenic species.

The combustion of diesel fuel at the site would release GHGs primarily being carbon dioxide (CO₂), nitrous oxide (N₂O) and much smaller concentrations of uncombusted fuel components including methane (CH₄) and other volatile organic compounds (VOCs).

DEQ has calculated GHG emissions using the EPA Simplified GHG Calculator version May 2024, for the purpose of totaling GHG emissions. This tool totals carbon dioxide (CO₂), nitrous oxide (N₂O), and methane (CH₄) and reports the total as CO₂ equivalent (CO₂e) in metric tons CO₂e. The calculations in this tool are widely accepted to represent reliable calculation approaches for developing a GHG inventory.

The direct impact of operation of diesel/gasoline-fueled vehicles throughout the life of the proposed project would produce exhaust fumes containing GHGs.

PSR and DEQ estimates that approximately 9,300 gallons of fuel would be utilized annually. To account for variability due to the factors described above, DEQ has calculated the range of emissions using a factor of +/- 10% of PSR's estimate. Using the EPA's simplified GHG Emissions Calculator for mobile sources, between 96 and 111 kilograms of CO₂e would be produced annually.

Secondary impacts of GHG emissions would be the contribution to changes in atmospheric radiative forcing, resulting in climate change impacts. GHGs act to contain solar energy loss by trapping longer wave radiation emitted from the Earth's surface and act as a positive radiative forcing component (BLM 2021). The impacts of climate change throughout Shepherd may include increased temperatures by five to ten degrees Fahrenheit by 2100, drier summers, reduced soil moisture, and increased chance of wildfires (USGS 2021).

Montana recently used the EPA State Inventory Tool (SIT) to develop a greenhouse gas inventory in conjunction with preparation of a possible grant application for the Climate Pollution Reduction Grant (CPRG) program. This tool was developed by EPA to help states develop their own greenhouse gas inventories, and this relies upon data already collected by the federal government through various agencies. The inventory specifically deals with carbon dioxide, methane, and nitrous oxide and reports the total as CO₂e. The SIT consists of eleven Excel based modules with pre-populated data that can be used as default settings or in some cases, allows states to input their own data when the state believes their own data provides a higher level of quality and accuracy. Once each of the eleven modules is filled out, the data from each module is exported into a final "synthesis" module which summarizes all of the data into a single file. Within the synthesis file, several worksheets display the output data in a number of formats such as emissions by sector and emissions by type of greenhouse gas.

DEQ has determined the use of the default data provides a reasonable representation of the greenhouse gas inventory for the various sectors of the state, and an estimated annual greenhouse gas inventory by year. The SIT data is currently only updated through the year 2021, as it takes several years to validate and make new data available within revised modules.

Future GHG emissions from operations such as this Site would be represented within the module Carbon Dioxide Emissions from Fossil Fuel Combustion, and emissions from the Transportation Sector within the Commercial and Industrial sectors. At present, the Industrial Sector accounts for 5.4 million metric tons of CO₂e (MMTCO₂e) and the Transportation Sector accounts for 7.9 million MMTCO₂e annually. Currently, the Municipal Solid Waste Sector accounts for 0.58 million MMTCO₂e annually. PSR's landfill is estimated to produce 13,542 metric tons of CO₂e over the life of the landfill. On an annual basis, this would account for 2% of emissions in the Municipal Solid Waste Sector and would account for .1% of Montana's total emissions.

The adjacent area the proposed project is primarily used for agriculture, grazing and open pasture. Due to the Site's maximum active footprint of 90 acres, limited emissions from the Site, and type of vegetation in the area, DEQ does not expect the loss of vegetation to impact GHG emissions.

GHG emissions that would be emitted as a result of the proposed activities would add to GHG emissions from other sources. The current agricultural utilization or No Action Alternative of the site also produces GHGs through agricultural activities.

4. CONCLUSIONS AND FINDINGS

4.1 A listing and appropriate evaluation of mitigation, stipulations, and other controls enforceable by the agency or another government agency

The Proposed Action would meet the minimum requirements of the SWMA and associated administrative rules regulating solid waste disposal. Adherence to the solid waste, water quality, and air quality regulations and the DEQ-approved facility O&M plan would mitigate the potential for harmful releases and impacts to human health and the environment by the Proposed Action.

4.2 Determination of Significance

To determine whether preparation of an environmental impact statement is necessary, DEQ is required to determine the significance of the impacts associated with the proposed action. The criteria that DEQ is required to consider in making this determination are set forth in ARM 17.4.608 as follows:

1. The severity, duration, geographic extent, and frequency of the occurrence of the impact.
2. The probability that the impact would occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact would not occur.
3. Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts.
4. The importance to the state and to society of each environmental resource or value that would be affected.
5. Any precedent that would be set because of an impact of the proposed action that would commit the department to future actions with significant impacts or a decision in principle about such future actions; and
6. Potential conflict with local, state, or federal laws, requirements, or formal plans.

The Site would encompass approximately 90 acres and accept ASR only. Any prohibited items would be transported and appropriately disposed of at the City of Billings Regional Landfill.

The analysis area for vegetation is one mile beyond the Site. This landscape is common in eastern Montana and is not unique or limited. The Site is surrounded by an extensive amount of similar land. The Site is not located within Sage Grouse core habitat, general habitat, or connectivity area. The Proposed Action would not adversely affect any threatened or endangered species.

The Proposed Action could potentially have a minor impact to surface water resources. Stormwater is retained and managed on-site. PSR would incorporate perimeter ditches and berms to divert any run-on from entering any waste area. All run-off collected from the landfill area is directed to storm water detention ponds.

The Proposed Action could potentially have a minor impact on groundwater. The proposed liner system would be designed and installed to protect groundwater to the maximum extent required by state and federal regulations.

DEQ has not identified any growth-inducing or growth-inhibiting aspects of the Facility. DEQ's approval of the Facility does not set any precedent and would not commit the DEQ to any future action with significant impacts, nor is it a decision in principle about any future actions that DEQ may act on. Finally, operation of the Facility does not conflict with any local, state, or federal laws, requirements, or formal plans.

Based on consideration of all the criteria set forth in ARM 17.4.608, DEQ has determined that the Proposed Action would not significantly affect the human environment. Therefore, an environmental assessment is the appropriate level of environmental review and preparation of an environmental impact statement is not required.

4.3 Other groups or agencies contacted or contributed to this EA.

Great West Engineering
Montana Bureau of Mines and Geology
Montana Department of Environmental Quality
Montana Greater Sage-Grouse Habitat Conservation Program
Montana Natural Heritage Program
State of Montana Historic Preservation Office
U.S. Department of Agriculture - Natural Resource Conservation Service
U.S. Fish and Wildlife Service

4.4 Authors

Final EA prepared by:

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Date: June 11, 2024

5. REFERENCES

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6. RESPONSE TO COMMENTS

The comment period on the original Draft EA started October 20th, 2023. The public comment period originally ended on October 30th, 2023. The comment period was extended to November 30th, 2023. DEQ conducted a public meeting in Shepherd, Montana, on November 21st, 2023.

During the comment period, DEQ received 363 submissions with comments covering several topics from the Draft EA and Proposed Action. There were comments both in support and in opposition to the Proposed Action. DEQ read, summarized, combined, and considered the substantive elements from the comments. Many comments submitted were repeated. DEQ created this document and made changes to the Final EA in response (all additions in **bold**). The comments below are organized by and addressed within each **theme**. The themes are bolded and in alphabetical order. Commenter comments are shown in **bolded italics**.

AESTHETICS (ODOR, LIGHT AND NOISE)

DEQ's EA states there may be some odor from the fluff and industrial activities. This will impact our livestock and neighbors.

Per DEQ's experience inspecting landfills in Montana, when operated according to the rules, odor from a landfill typically doesn't leave the site. There are numerous landfills in Montana that are within a mile of residential subdivisions and odor is not detected beyond the landfill site boundary. In this case, PSR's facility would only accept ASR. ASR doesn't generate methane because there are no putrescible or organic materials in that type of waste material. would be the case at a typical Class II municipal solid waste landfill (e.g., a landfill that accepts normal household trash).

Therefore, any odor impacts are expected to be minimal and limited to the site boundary. ASR odors are similar to those from light commercial facilities. These odors are anticipated to dissipate quickly in open air situations and would not be noticeable beyond the facility boundary. Also, due to the proximity of homes and cattle grazing nearby, odors are not expected to be noted beyond the property boundary.

What radius is used for odor analysis? Will we have the smell of rotten eggs since Class II landfills produce gases such as ammonia and hydrogen sulfide?

The study area for aesthetics is within one mile beyond the Site. As noted above, because this facility won't be accepting household wastes or other putrescible wastes, odor would be minimal and limited to the site boundary.

The natural landscape would be turned into a dump and the drive to Billings won't be as beautiful as it once was.

Although the Proposed Action is 90 acres in total, only approximately six acres would be used at any given time for active landfilling activities. Each landfill cell would be closed and revegetated to resemble the surrounding landscape. Once the entire landfill is closed, it would be restored and revegetated with vegetation native or typical to the area. A rendering of the landscape was shared at the November 21, 2023, community meeting prior to the presentation, Question and Answer period. A visual rendering of the closure of the Facility was added to the Final EA for reference. Further, PSR has agreed to stockpile soil and vegetate that soil with native grasses to the east of the active landfill to enhance community aesthetics while also serving as a wind break and visual barrier.

Noise level is amplified because of the open acreage in this area. The Noise Control Act of 1972 created a policy to promote an environment free from noise that jeopardizes human health and welfare. How will this be met? How will noise be minimized?

The proximity of homes in the area in conjunction with the centralized location of landfilling activities on the property would mitigate any noise that might be heard from the Site. All construction and operation of the facility would occur during the day from 8:00am to 5:00pm. DEQ's Solid Waste Program authority does not include the Noise Control Act of 1972. At any point in time, the only equipment running would be:

- One front end loader.
- One compactor.
- One excavator.
- Trucks that dispose ASR.

This equipment would be used to move dirt. An effective maintenance and repair program would be implemented to assure noise levels of the operation and equipment are minimized.

There will be light pollution because of this project.

The only light at the facility would be a flood light on the building onsite. Because of the distance of the site from nearby homes and from Shepherd Acton Road and Highway 87, this one light would not affect the surrounding area beyond any current light pollution caused current lighting at nearby residences and vehicles with headlights that utilize Shepherd Acton Road and Highway 87 at night.

Cattle don't eat dust-covered grass. The flies and mosquitoes will be an added problem for our livestock and wildlife.

PSR proposes to utilize a Dust Boss misting system to prevent dust transport off site. Dust Boss is a nationally proven dust control approach. This has been added to *Section 3.8* in the Final EA. Also, only six acres would be disturbed at a time, thus limiting potential dust to grazing livestock. Regarding flies and mosquitos, the waste is non-putrescible and would not attract vectors such as flies, mosquitos, skunks, or rodents.

There needs to be some physical barrier that blends in with the natural environment, so residents don't have to see the operation.

There are no requirements in Montana solid waste regulations (ARM or MCA) that require shielding of a Class II solid waste management facility from neighboring properties or passers-by in Montana. PSR intends to plant trees along the parts of the property boundary and facility to enhance community aesthetics while also serving as a wind break and extra layer of litter control.

PSR's rendering is **Figure 12** in the Final EA.

The site is over a mile from any residences, so no one will be affected greatly by noise or light.

Thank you for your comment.

AIR QUALITY

Landfills are a necessity, but I am concerned of the adverse effects including their production of harmful gases, dusts, and other airborne pollutants that could be dangerous to my kids because of the wind in the area. The EA speaks of fugitive dust prevention. Does this also include operations, or just native dirt?

As noted above, because of the nature of ASR, there would be no methane generated from landfilling this waste as there are no putrescible (e.g., decayable) materials disposed at this location. As a result, there would be no gases produced and PSR is exempted from methane monitoring per DEQ.

Regarding dust and other airborne pollutants, PSR proposes to utilize a Dust Boss misting system to prevent dust transport off site. Dust Boss is a nationally proven dust control approach. This has been added to *Section 3.8* in the Final EA.

There is no analysis of criteria pollutants (National Ambient Air Quality Standards [NAAQS]). How will the project follow EPA's Clean Air Act implementation plans to adhere to NAAQS?

For air quality purposes, solid waste landfills are regulated by Federal and state air quality programs administered by the Montana Air Quality Bureau.

New landfills are likely to be subject to 40 CFR 63 Subpart AAAAA, as well as possibly other federal rules related to landfills.

Some landfills which are small enough in size may not be required to hold either a Montana Air Quality Permit or a Title V Operating Permit. In this case, PSR's landfill is not required.

In terms of concern with the NAAQS, Montana is charged with ensuring all areas are demonstrating compliance (attainment) with each specific NAAQS. EPA periodically reviews and determines whether revisions are needed for each of the NAAQS, and when and if they are lowered, triggers a process for the state to begin implementing plans to address any areas which have become non-attainment areas. The federal NAAQS pollutants and levels can be found [here](#).

Individual facilities are not evaluated directly against the NAAQS but monitors around the state help determine whether an area has become a non-attainment area. Once an area has been designated non-attainment, it would trigger measures intended to return the area into attainment. A single facility generally doesn't result in a direct violation of the NAAQS unless the facility is a super emitter and near a state air quality monitor. PSR would not cause the area to enter a non-attainment status. PSR is not proposing or expected to become a super emitter.

Why is rainfall data and climate data in the air quality section?

Under MEPA, the human and physical environment must be described for a baseline of the affected environment. Sunshine, precipitation, higher temperatures, wind speed, air turbulence, and mixing depths or weather and precipitation all affect air pollutant concentrations.

Landfills produce methane and carbon dioxide. The Montana State Constitution, Article II, Part II, Section 3, states: "Inalienable rights. All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities."

As noted above, because this facility would only accept ASR, methane and carbon dioxide production would not occur because putrescible waste would not be disposed at this location.

Dust suppressing methods Pacific proposes will produce less dust than current traffic on Shepherd Acton Road. Further, some opponents to this project produce more uncontrolled dust on their ranching operations than this project will.

Comment noted. PSR's dust suppressant methods are noted in Section 3.8 of the Final EA.

They need an air quality permit. This is the first ASR landfill in the country, and we don't know if this won't pollute the air.

This facility would not exceed the design capacity requirement of 2.5 million metric tons or 2.5 million cubic meters of waste to meet the minimum requirement for needing a Title V permit from DEQ's Air Quality Bureau. Therefore, an air quality permit is not required per EPA's New Source Performance

Standards (NSPS) for MSW landfills. Further, ASR is a non-putrescible waste, meaning it does not decompose or create methane in a landfill.

Air quality needs to be monitored frequently and regulated by DEQ. PSR should notify the public when they are pausing or shutting down operations.

The proposed landfill would not be accessed by the public. Therefore, it is not necessary for PSR to notify the public when they have shut down operations due to windy conditions (noted above). Further, there are no requirements in ARM or MCA for air quality monitoring regarding this project.

On inspection, or a result of self-reporting or complaint, DEQ can enforce operational adjustments to accommodate for any potential fugitive dusts from occurring.

Will the landfill be shut down immediately if there is dust and debris being seen blowing around?

Yes. PSR's operations during wind are as follows and are added to *Section 3.8* of the Final EA:

- When continuous wind speeds as defined by a ten-minute period exceed 35 mph, PSR would immediately place and compact ASR upon arrival on site to mitigate windblown material.
- When continuous wind speeds exceed 45 mph, PSR would close the facility until wind speeds have subsided for at least two hours before reinitiating operations.
- When instantaneous wind gusts exceed 55 mph, PSR would close the facility until wind speeds have subsided for at least two hours before reinitiating operations.

How will PSR monitor the particle trail to and from the site?

No. There is no requirement in the solid waste regulations to monitor particles trails to and from Class II landfills. The same applies to the proposed PSR Class II landfill. . See *Section 3.8* in the Final EA for dust suppressing methods.

In Section 3.12, what new utilities, roads, and drainage will be installed to increase land value? Remove this narrative if it isn't available to the public.

Please see *Section 3.12* of the Final EA. There is no note of new utilities, roads, or drainages as it pertains to increased land value.

Is the site exempt from NSPS?

NSPS are New Source Performance Standards. The updated NSPS applies to landfills constructed, modified, or reconstructed after July 17, 2014. These landfills are subject to the rule if they have a design capacity of 2.5 million metric tons and 2.5 million cubic meters of waste or more. In this instance, the proposed landfill would not exceed the design capacity requirement of 2.5 million metric tons or 2.5 million cubic meters of waste. Therefore, no Title V permit is required, and this facility would not fall under this purview. This is described above in Blank.

ASR CHARACTERIZATION AND USE (HAZARDOUS VS NON-HAZARDOUS)

ASR is a hazardous waste.

A landfill is required via their operation and maintenance plan to routinely sample and evaluate ASR to ensure the site does not accept any hazardous waste. Generally, ASR is not a hazardous waste as defined in Montana and by EPA. However, ASR may occasionally test as characteristically hazardous for toxicity as defined in the CFR and state hazardous waste rules. If any waste is determined to be hazardous via periodic sampling, it is handled as a hazardous waste, and would not be disposed at PSR's landfill.

DEQ incorporates by reference in ARM the federal hazardous waste regulations from the CFR. For ease of reading, only the CFR is quoted below:

For a material to be classified as a hazardous waste, it must first be a solid waste. The second step is to determine if the waste is specifically excluded from being a solid waste, or if the waste is exempt in the regulation from being hazardous. Exclusions are detailed in 40 CFR 261.2-4. ASR is a solid waste when disposed of is not exempt from potential being a hazardous waste.

Next, a generator must determine if the waste is a listed hazardous waste or characteristically hazardous. Listed hazardous wastes appear on one of four (4) lists, "F," "K," "P," or "U." A listed waste is hazardous not because of the concentration of any contained constituents, but because it meets a listing description on one of the four lists of hazardous waste in the regulations. The primary criterion for applying a listed code to a waste is that the source of the waste is known. Details about listed hazardous waste may be found in 40 CFR 261 Subpart D. ASR is not a listed hazardous waste.

Characteristic hazardous wastes are hazardous based on the following four characteristics: Ignitability, corrosivity, reactivity, and toxicity. Details about characteristic hazardous waste may be found in 40 CFR 261 Subpart C.

The characteristics and ASR are discussed below:

•Ignitability: *Wastes that are hazardous due to the ignitability characteristic include liquids with flash points below 60 °C, non-liquids that cause fire through specific conditions, ignitable compressed gases, and oxidizers. ASR is a solid. Ignitable solids must ignite due to friction, absorption of moisture, or spontaneous chemical changes and, once ignited, burn vigorously and persistently that it creates a hazard. A key point is that the two distinct criteria must both be met before a solid will be considered an ignitable waste. ASR does not meet the criteria for ignitability. No test method is cited in 40 Code of Federal Regulations 261.21(a)(2) for solids.*

•Corrosivity: *Wastes that are hazardous due to the corrosivity characteristic include aqueous wastes with a pH of less than or equal to 2, a pH greater than or equal to 12.5 or based on the liquids ability to corrode steel. ASR is a solid. ASR does not meet the criteria for corrosivity.*

•Reactivity: *Wastes that are hazardous due to the reactivity characteristic may be unstable under normal conditions, may react with water, may give off toxic gases and may be capable of detonation or explosion under normal conditions or when heated. There are no test methods for reactivity. ASR does not meet the criteria for reactivity.*

•Toxicity: *ASR may be characteristically hazardous for toxicity. Toxicity is determined by the Toxicity Characteristic Leaching Procedure (TCLP) analysis. Therefore, ASR must be evaluated for toxicity by the generator prior to disposal.*

I am opposed to this hazardous waste site being approved. ASR in Europe is classified as hazardous. Dumping this one waste stream in one area seems like a big mistake.

An Applicant or Operator must follow applicable state rules for waste identification, management, and disposal which may not include European regulations. DEQ incorporates by reference federal hazardous waste regulations from the Code of Federal Regulations (CFR) in ARM Title 17, chapter 53. EPA has defined the term "hazardous waste" for waste disposal in the CFR.

Waste generators are required to determine, either through testing or knowledge, whether their waste is subject to hazardous waste regulation. Non-hazardous waste may be disposed of in a Class II solid waste management facility. ASR is generally not a hazardous waste as defined in Montana and by EPA; however, ASR may occasionally test as characteristically hazardous for toxicity as defined in the CFR, such that it

would be subject to hazardous waste regulation and handled as a hazardous waste, which prevents disposal at PSR's landfill. A Class II solid waste management facility is required via their operation and maintenance plan to routinely sample and evaluate ASR, and the facility may not accept regulated hazardous waste according to ARM 17.50.1103. If any waste is determined hazardous, it is handled as hazardous waste. It is subject to transport and disposal at a hazardous waste facility. Montana does not have any hazardous waste landfills.

Disposal of non-hazardous waste including ASR in a Class II solid waste management facility ensures containment (e.g., disposal in an engineered and lined Class II landfill). A Class II solid waste management facility is designed to protect the physical environment from contamination via groundwater monitoring, leachate and stormwater management, dust suppressive methods, and proper handling and disposal methods of waste.

This poses a risk due to toxic exposure considering the ASR. I have read numerous articles regarding ASR, and they present data of the toxic contaminants that are produced in the process.

Disposal of non-hazardous waste including ASR in a Class II solid waste management facility ensures containment and is designed to prevent exposure to any contamination in the waste. A Class II solid waste management facility is designed to protect the physical environment from contamination via landfill liner, groundwater monitoring, leachate and stormwater management, dust suppressive methods, and proper handling and disposal methods of waste.

ASR landfills are known to contain 35 volatile organic compounds and 16 polycyclic aromatic hydrocarbons. Most of these are known pathways to human disease and illness. Landfilling these materials is irresponsible.

Disposal of non-hazardous waste including ASR in a Class II solid waste management facility ensures containment and is designed to prevent exposure to any contamination in the waste. A Class II solid waste management facility is designed to protect the physical environment from contamination via groundwater monitoring, leachate and stormwater management, dust suppressive methods, and proper handling and disposal methods of waste.

Is the material going to be alleviated of potential carcinogenic materials prior to disposal?

No. A carcinogen is defined as "a substance or type of exposure that can cause cancer to develop" (Healthline). There is no way to be sure that disposal of any waste is completely free from carcinogenic materials. Examples of carcinogens include tobacco products, UV rays from sunlight, radiation from x-ray machines, processed meat, isopropyl alcohol, and exhaust fumes.

Will ASR be treated before disposal?

No. PSR shreds automobiles and diverts recyclables at their Lockwood facility.

EPA has approved ASR as non-waste fuel, so why focus efforts on recycling now?

PSR decided to focus on this method of end use. DEQ does not dictate to any entity how their business decides to manage solid waste (e.g., landfilling, composting, recycling, reuse, etc.). This facility would be licensed, engineered, and overseen as a Class II landfill.

What standard will be held to regulate and monitor the processing and treatment of ASR prior to transportation to the landfill?

ASR is a waste produced by processing discarded automobiles. ASR isn't treated, but disposed in a landfill after appropriate testing and characterization has been completed.

Are there radioactive detectors at the recycling facility?

There are multiple radioactive detectors at the recycling facility in Lockwood.

Have the impacts of concentrating this waste been studied?

DEQ is not aware of any such studies. However, a typical Class II landfill contains all types of waste. Because this waste is characterized, it is much easier to narrow down any potential issues because there is only one waste stream.

One sample isn't enough to determine this material as non-hazardous.

PSR has utilized a detailed sampling and waste characterization plan for testing ASR generated from Lockwood auto shredder facility for about 15 years. These samples include TCLP of metals, PCBs, and annual volatile and semi-volatile testing. Over 97% of these results have resulted in non-hazardous characterization. In rare occurrences, if a sample of ASR is determined to be characteristically hazardous, it would be managed as a hazardous waste, quarantined, and shipped to a hazardous waste facility for disposal. It would not be sent to the proposed landfill for disposal. . The sampling plan has been included in the application.

PSR has committed to increasing testing to every two months for the first year of operation (six samples a year). If results are consistent and yield non-hazardous results during this period, quarterly sampling would commence thereafter. PSR requires four samples per year and has been taking ASR to Billings Landfill for 15 years. One example of said samples was provided as part of their application for the Proposed Action. However, waste determination was informed by many rounds of sampling over many years.

Why doesn't PSR have a material safety data sheet for this material? One other steel company does.

Material Safety Data Sheets are not required for solid wastes, including ASR. The Hazard Communication Standard, 29 CFR 1910.1200 (g), requires that the chemical manufacturer, distributor, or importer provide Safety Data Sheets, formerly called MSDS, for each hazardous chemical to downstream users to communicate information on these hazards.

This material is already being disposed of at the Billings Landfill. If this material were hazardous, it would be handled per the regulations and this landfill couldn't be approved.

Thank you for your comment.

PSR and DEQ do not know what is in ASR.

PSR and DEQ are aware of what is in ASR to the extent that it can be disposed of in a Montana Class II solid waste management facility.

The testing completed was very vague. They aren't required to test this at Billings Landfill.

PSR has been testing ASR prior to disposal at the Billings Landfill as required by DEQ hazardous waste rules at ARM Title 17, chapter 53. As noted above, PSR has tested ASR for disposal at the Billings Landfill for the last 15 years. If materials do not meet the standard for disposal as non-hazardous solid waste, the waste would be separated, handled, and disposed of as hazardous waste as noted above.

Where is the information speaking to MSDS permits?

MSDS permits do not exist for ASR. MSDS, or Material Safety Data Sheets, is a detailed informational document prepared by manufacturers, importer, or distributors of hazardous chemicals that describes the physical and chemical properties of a product. PSR is not required to produce an MSDS because they do not manufacture or produce hazardous chemicals. As noted above, they sample the material on a frequency and these samples indicate the constituents of the material prior to disposal.

CLIMATE CHANGE

See *Section 3.18* in the Final EA.

CULTURAL RESOURCES

Montana Historical Society commented on the proposed project. They sent a letter to Great West recommending a resource inventory be conducted, but they have not received that inventory.

Please see Exhibit J on the license application. The inventory was conducted in September 2022 by Rabbitbrush Archaeological Services, LLC. The recommendation was no further action regarding the proposed project was needed as it is not subject to Section 106 of the Natural Historic Preservation Act of 1966. Therefore, no mitigation of adverse effects is required. Further, according to the Montana State Historic Preservation Office, this site is not eligible for inclusion in the National Register of Historic Places.

DRAFT EA COMMENTS

In the EA, it states this waste could include household hazardous waste, commercial, industrial, asbestos, TENORM, etc. TENORM has cancer-causing particles and could settle and blow all over the area.

The only waste that would be accepted in this landfill would be ASR waste from the Lockwood facility. See *Section 1.2* and *Section 3.8* of the Final EA.

A map should be included showing nearby residents for perspective.

Figures 2 and 7 show the site and surrounding area which outlines any homes in the area.

What's the proposed construction duration and sequencing?

PSR proposes to begin construction on June 17, 2024. PSR proposes a start date for landfilling on January 1, 2025.

A socioeconomic analysis is needed (Section 3.12).

See *Section 3.12* in the Final EA. Local and state tax base revenues and property values were evaluated.

Section 3.16 speaks to cumulative impacts. What about the immediate area? What about the negative impacts to the Billings Landfill?

The cumulative impacts analysis includes the immediate area, i.e. one mile in each direction from the property boundary. Considering the many agricultural operations in the area, the distance of the proposed landfill from neighboring homes, and traffic currently utilizing Highway 87 (including semi-trucks driving north), the cumulative impacts are negligible. The impacts, positive or negative, to the Billings Landfill are outside of the scope of this EA.

Justify your analysis area and why you only chose one mile. Where did that mile start? There is a residence 0.15 miles away from the site.

The analysis area was one mile in each direction from the property boundary. This analysis area is standard as the mile analysis area extends beyond where impacts are typically observed. If there are no impacts beyond a certain point, it would not make sense to keep analyzing impacts.

Upon site visits and Montana Cadastral property analysis, no residences were noted or observed 0.15 mile from either the licensed boundary (see Final EA **Figures 1, 2, and 7**) or the property boundary. For a home to be 0.15 mile from the licensed boundary, that home would have to be located on PSR property, and that is not the case.

How periodic are inspections, per Section 3.4? Also, what is a "large storm"?

DEQ's goal is to visit all Class II landfills in Montana three times a year. DEQ has authority and discretion to inspect more often if necessary.

The term "large storm" was never referenced in the Draft EA, nor is it referenced in the Final EA.

Shepherd is spelled wrong throughout the document.

Thank you for this comment. The two errors have been edited in the Final EA.

Will Table 1 outline all agencies that were contacted already and the responsibility of each? Or do responsibilities get completed after the Final EA?

Table 1 outlines the applicable regulatory authorities as they pertain to the Proposed Action. Any agencies outside of this (e.g., FWP, MDT) would not be noted in **Table 1**.

The EA doesn't address purpose and need.

See *Section 1.3* in the Final EA.

The EA doesn't offer a range of alternatives.

As mentioned during the November 21 public meeting, DEQ can only consider the Proposed Action per Section 75-1-220, MCA. "For a project that is not a state-sponsored project, an alternatives analysis does not include an alternative facility or an alternative to the proposed project itself. Therefore, DEQ only considered the Proposed Action.

The EA doesn't analyze the impacts of human health.

MEPA requires impacts on the physical environment and the human environment be analyzed. The EA describes the potential impacts of the Proposed Action on the human environment which influences human health.

The location is horrible.

DEQ does not choose the location of proposed facilities. As mentioned during the November 21, 2023, public meeting, DEQ can only consider the Proposed Action per Section 75-1-220, MCA. "For a project that is not a state-sponsored project, an alternatives analysis does not include an alternative facility or an alternative to the proposed project itself." Therefore, DEQ does not have the authority under MCA to move the location of the facility.

FIRE SAFETY

Fire is a potential problem. DEQ needs to examine risks of a fire of these toxic materials and determine if the Shepherd Volunteer Fire Department has the resources to deal with such a fire. How is the Shepherd Volunteer Fire Department prepared to fight a fire here? The risk is quite severe due to high winds and dry conditions.

Comment noted. See *Section 3.8* of the Final EA. *Section 4.5* of the O&M plan in the license application speaks to PSR's fire protection program.

There is no mention of fire prevention in the EA. ASR is flammable and combustible and Pacific has had fires at their facilities.

See *Section 3.8* of the Final EA. See *Section 4.5* in PSR's operation and maintenance plan regarding their Fire Protection Program which outlines operators using equipment to isolate waste and extinguish a fire with soil. A 30,000-gallon wildland fire fighting fill cistern would be located at the southeast corner of the site. This would be designed and constructed per Shepherd Volunteer Fire Department standards.

We ask PSR and DEQ to examine the effects of human health and the environment caused by a fire. There needs to be agreements with Billings Fire Department, as well. They also need to provide requirements of the National Fire Protection Association with the application prior to granting a permit (e.g., start fighting a fire within two minutes of arriving on site, etc.).

Proper fire suppressant methods and coordination between PSR and Shepherd Volunteer Fire Department occurred prior to submittal of PSR's license application.

Will the 30,000-gallon cistern be used for both fire safety and fire suppression?

Yes.

Will there be proper equipment onsite to dig and suppress a fire?

Yes. There would be a loader, a compactor, and an excavator.

How would residents be notified of a fire?

Fire response would be typical of any fire that would occur in the area. Proper notification to the proper authorities would occur. It is atypical that residents in the area would be individually notified of a fire unless danger is imminent, as would be the case with any fire.

Will there be tsunami sirens at all corners of the property to notify the public of a fire?

Please see the PSR Fire Protection Program in the application for details regarding fire notification. The Solid Waste Management Act and associated Administrative Rules ARM and MCA do not regulate fire notification.

GROUNDWATER AND SURFACE WATER

The proposed site is located so the watershed of surface groundwater will run into the Five Mile Creek's natural drainage system that continues into the Yellowstone River. Despite mediations on site, there will be rainstorms that overwhelm those systems. Carcinogens will then be embedded in Five Mile Creek.

See *Section 3.4.1* of the Final EA. The facility has considered the Yellowstone River Watershed and the surface waters draining into it. There is an ephemeral stream that flows during rainstorms or snowmelt events. To counteract the possibility of surface water from the site running off into this stream, there are perimeter ditches and berms for diversion, as well as detention ponds to house any storm water directed to them. All culverts and detention ponds are being redesigned to withstand a 100-year, 24-hour flood.

The aquifer will be endangered. We are on well water and understand the deadly risk of consuming contaminated water from a contaminated aquifer. Our groundwater will be contaminated, including water being used at surface wells for watering livestock and some households.

See *Section 3.4.2* of the Final EA. PSR has installed six groundwater monitoring wells to characterize and observe aquifer conditions. It is worth noting that from their initial analysis of the groundwater, the well purging and development data demonstrate the yield of groundwater from these uppermost saturated seams as relatively low, extremely high in ion abundance, and generally unfit for human and stock consumption. From these wells, they have learned the groundwater depths range between 35 to 70 feet below ground surface with a flow direction to the southeast. PSR is installing a composite liner system composed of native clay overlain by a 60 mil HDPE liner to contain, and direct leachate to a leachate collection system. There would also be quarterly groundwater sampling and analysis to monitor any changes to the site's groundwater quality. Though the measures taken by PSR would mitigate the potential impacts to the groundwater systems, the potential for impacts to groundwater is minor.

Standing water from runoff could be used by wildlife and would be a concern.

Runoff from the Site would be directed to stormwater detention ponds. This water isn't going through the waste; therefore, there is a low potential that this water would be contaminated.

The facility is only designed for the 25-year, 24-hour flood. The 500-year flood happened in 2022 and communities are still dealing with it now.

PSR committed to redesigning the facility to accommodate the 100-year, 24-hour storm. This design change greatly reduces the potential for any release from the facility offsite or into the groundwater and is beyond standard requirements outlined in ARM 17.50.1109.

A tracer dye study would give a better estimate of the possible impact area.

This is not a requirement of ARM or MCA and is not something DEQ can require. The surface and ground water hydrology were studied and characterized by qualified scientists. Their findings and conclusions are part of the application record provided to the DEQ. The DEQ concurs with their assessment of potentially impacted area and doesn't believe additional site hydrological investigation is warranted at this time.

The application does not describe the plan or what BMPs would be.

See *Section 3.4* of the Final EA regarding water quality, quantity, and distribution. As noted, ditches and berms would be incorporated to divert run-on from entering the waste area, and run-off would be collected and directed to stormwater detention ponds (**Figure 5**). See *Section 4.2* in the O&M plan in the license application. This outlines surface water drainage, culverts, ditches, detention ponds, leachate collection, and final cover maintenance.

Flooding is not adequately addressed.

See *Section 3.2.3* of the license application regarding flood potential hazard. As noted, the flood zone mapping by FEMA and the elevation difference of 90 feet between Twelve Mile Creek and the proposed location, the potential hazard is negligible. Further, additional engineering to meet the 100-year, 24-hour flood would be conducted.

The application does not address affects to nearby wetlands. It does not speak to the cumulative impacts that may accrue over time. This evaluation should be done both by the National Wetlands Inventory Map and on-the-ground surveys. Full delineation should be shown, and impacts should be verified.

Wetland areas would not be disturbed by the construction or operation of the landfill. Therefore, no further analysis is needed.

What are the details of the discharge permit mentioned in the EA?

As noted in *Section 3.4.1* of the Draft and Final EA, a General Construction Storm Water Permit would be obtained from DEQ's Water Protection Bureau prior to any construction. This covers construction activities including clearing, grading, grubbing, excavation, or other earth-disturbing activities. A Montana Pollutant Discharge Elimination System (MPDES) permit would be issued prior to any discharge to surface water or groundwater.

The area is high in alkali content which suggests to me that there is a high-water table.

See *Section 3.4.2* of the Final EA. The groundwater depths range between 35 to 70 below ground surface, with a general flow to the southeast. Alkalinity measures the water's buffering capacity in changes to pH. Water high in alkalinity means the water would have less changes in the pH as other chemicals or constituents are introduced. Factors such as the geology of the area can greatly influence the alkalinity of water. *Section 3.5* describes the geologic environment the groundwater is exposed to, which has the capacity to increase the groundwater's alkalinity through the shale layers and calcareous concretions.

The flowing surface water study was conducted during times of little or no precipitation. How can this study be valid?

PSR has adequately addressed surface and groundwater which is unlikely to be affected by the project.

Under what circumstances and water storage capacity could be exceeded and captured stormwater flow from the landfill to the adjacent BLM land?

Any discharge from a stormwater pond would be permitted through DEQ's Water Protection Bureau via General Construction Storm Water Permit. The stormwater pond is designed for the 100 year, 24-hour storm event, which is beyond the requirements of DEQ's Solid Waste Rules. The possibility of stormwater flowing to BLM land is low as storm water controls are designed to withstand the 100 year, 24-hour storm event.

Disclose whether the existing culvert is adequate to pass stormwater during big storms during construction of the project. If it isn't, please upgrade those controls so as not to adversely impact BLM land and Shepherd Acton Road.

The measures described and proposed in the Proposed Action in *Section 3.4.2* anticipate a low potential of impacts to the current surface and groundwater systems. The culverts, run-on and off ditches, storm water and leachate ponds are all being redesigned to withstand the 100-year, 24-hour flood to not adversely impact BLM land and Shepherd Acton Road.

Great West stated they are still monitoring groundwater wells and will do so for six to eight more months. Should permitting wait until all investigation is completed? Did they monitor during the wet months?

Groundwater monitoring occurs on a quarterly basis for the duration of operation and for 30 years post-closure. Investigation at the time of application was sufficient to consider the application complete. Continued monitoring is appropriate but does not determine the completeness of the submitted application per ARM 17.50.508.

Has the Army Corp of Engineers been contacted to determine jurisdiction?

The Army Corp of Engineers would only need to be contacted if wetlands are to be disturbed. Because wetlands would not be disturbed, Army Corp of Engineers' involvement is unnecessary.

Will there be open water that birds and other animals can drink from?

There is a possibility that the stormwater pond would be open. At many other landfills in the state, stormwater ponds are open and allow birds and other animals to utilize them. Stormwater is simply water diverted from the active landfill. This water has not run through the waste.

There needs to be monitoring of groundwater wells before, during, and after operations.

Requirements of groundwater sampling and analysis are outlined in ARM 17.50 subchapter 13. Requirements for groundwater monitoring post-closure are outlined in ARM 17.50.1404 (c).

Will the liner sit on top of the groundwater? How far below the liner and leachate pond is groundwater at the landfill?

See *Section 3.4.2* of the Final EA. Groundwater has been measured to be below the ground surface between 35 and 70 feet. The liner would be at a maximum depth of approximately 32 feet below the ground surface. At the leachate pond location, the pond would be at a maximum depth of approximately 12 feet below the ground's surface with groundwater at 37 feet. Therefore, the liners would not sit on top of the groundwater.

How will groundwater not be contaminated if discharge from the shallow groundwater seeps is poorly understood?

Sections 3.4 and 3.5.2 of the Final EA addresses groundwater characteristics, describing groundwater activity. Soils in the area are not frequent to flooding or ponding, and any storm water would be collected in storm water ponds built to withstand the 100-year, 24-hour flood. Groundwater from the site would be monitored on a quarterly basis, and stormwater that would potentially flow through the landfill and would be directed and gathered into a leachate pond. These measures would prevent contamination of groundwater from the site.

Where are the rules for separation to groundwater for the landfill and leachate pond?

ARM 17.50.1009 (a) states, “a sufficient amount of land must be available to satisfy the approved design, operation, and capacity of any solid waste management system, including adequate separation of wastes from underlying ground water or adjacent surface water.” DEQ has determined that PSR’s proposed landfill meets these requirements.

GEOLOGY

The site is located over a fault. How will this not affect groundwater? The EA also mentions there are small areas of alluvium in which groundwater contamination potential is high.

See Section 3.4.2 as it pertains to current water quality and groundwater protections, such as liners, berms, ditches, and storm water ponds.

Did GWE complete a topographic survey of the 320-acre piece of land? If so, where are the drawings and what spacing was used?

See Attachment 6 and Attachment 7 in the license application.

Why is there no mention of a fault running through the proposed site?

The fault is not on the property. Therefore, 90-acre area proposed for active landfilling activities is not located on the fault. This verifies the fault is over 200 feet from the licensed area, per ARM 17.50.1006.

HUMAN HEALTH AND SAFETY

How will Pacific deal with the health effect of this project?

As proposed, this project would be protective of human health and the environment. This is achieved by proper siting, distance from nearby homes, groundwater monitoring, landfill liners, leachate management, and stormwater management practices that meet the minimum requirements of the ARM.

What is the analysis for determining there are no impacts to human health and the environment?

This includes review of the application for completeness as it pertains to the ARM. ARM minimum requirements are protective of human health and the environment when followed and enforced.

In Section 3.10, the narrative contradicts the table. It also speaks more to employee safety and less the surrounding residents.

Thank you for this correction. It has been corrected in the Final EA. Because the site would not be open to the public and would only affect employees of PSR as it pertains to the landfill, employee safety was the impact DEQ disclosed as it pertains to safety. No human health or safety issues beyond current conditions would occur because of the Proposed Action.

This facility will have hazardous, cancer-causing particles, radioactive materials, and metals in the “air fluff”. How will the wind affect nearby resources like air, water, and soil quality in addition to surrounding agricultural crops and cattle production? Will the quality of the eggs we produce be affected due to groundwater and air quality contamination?

Dust control measures and other contingencies proposed in the application mitigate air and surface water impacts. The chemical and physical characteristics of fugitive dust emissions from the Site would not be altered by landfilling activities. Further, litter control and landfilling operations would mitigate this concern. Therefore, the possible impacts implied here would have been possible prior to landfill.

LANDFILL ENGINEERING

The landfill is supposed to last for 122 years but liners only last 20 years. How does that work? The liner leaking will allow for easier contamination since the wells in the area are shallow.

This comment appears to assume long term exposure of the geomembrane (e.g., High Density Polyethylene or HDPE) liner component to the sun and weather.

The landfill liner at the PSR site would only be exposed to the sun very briefly by design, during phased construction of several small landfill units. The liner in each unit would be rapidly covered within a couple of weeks, by both the protective leachate collection system components and a final layer of protective soil before actual placement of the ASR waste. Therefore, PSR's landfill HDPE composite base liner, as approved by DEQ, could likely last well over 100 years given the ASR yields neither leachate nor heat by compost-like degradation (per the current EPA website referencing Elsevier Science, 2002).

Any potential leakage from the landfill unit would be rapidly detected in the closely adjacent groundwater monitoring wells penetrating the uppermost aquifer, as also shown in the application and EA provided for public access. All necessary groundwater corrective action and funding would immediately be required by DEQ.

Pacific should be required to use the "Natural Regrade Process" for the landfill area to mimic the natural environment to reduce erosion.

The SWMA and associated rules do not require any fixed approach to the basic landfill layout or geometry, size and shape of disposal units, liner or cover styles, ponds, access or roads, and design items like the NRP process questioned here. The SWMA and associated rules largely address landfill licensing, siting, waste management, and inspection requirements associated with landfill access and care, the lack of hazardous or liquid wastes, controls on the scale of potential impacts to humans and environmental media (water, methane, land, biosphere), avoidance of unstable sites and adequate landfill stability, and effective operations, monitoring, repairs and modifications, and closure with post-closure care. The potential for concern with some broader environmental or specific socioeconomic impacts are defined for review in the EA as provided herein by MEPA--- but many such concerns are likewise largely due to the specific effects of operations, design, and location as addressed in the SWLR. We also require financial assurance for the cost of repairs, closure, post closure care, and corrective actions for cleanup of all releases.

The final closed landfill would resemble a small hill blending into the natural terrain. As far as final cover compatibility with the natural surrounding site topography or ecology is concerned, plants native to the surrounding ecosystem would be utilized.

What standards does the liner have to meet? And what is the submittal and approval process for this?

The public was provided access to the application showing the design drawings and Alternative Liner Demonstration (ALD). Design standards under the SWMA are established in ARM 17.50.1204 and 1205.

The Alternative Liner Demonstration Report does not account for leakage rates from defective liner seams or liner imperfections. Please determine whether potential liner leakage could result in long-term off-site transport and accumulation of ASR leachate beneath the downgradient BLM lands and what mitigation would occur.

The equivalence of the composite High Density Polyethylene geomembrane (HPDE GM) placed over recompacted subgrade was adequately shown in the approved liner demonstration (ADL) and provided with the application for public review. Furthermore, use of the SPBL does not even require DEQ review, even though the number of possible defects in the HDPE geomembrane is highly variable and remains essentially unknown. Therefore, groundwater monitoring is required for detecting potential releases regardless of whether the SPBL or a demonstrated equivalent liner is approved by DEQ. The public was provided access to the application showing the design drawings, ALD, and groundwater monitoring system documents.

From an engineering standpoint, the plan is solid, and the community should trust engineers that are experts and ensure these projects are safe.

Thank you for your comment.

What happens to the liner when water builds up on it?

See Section 3.4.2 in the Final EA. Leachate is water that flows through waste. A leachate collection system is planned for this facility. This design was submitted with the license application. A leachate collection system is an engineered structure, located above a liner and below the refuse in a landfill unit, and designed to collect leachate, typically to be directed to a leachate pond. Because the waste to be disposed at this site is non-putrescible, leachate would be minimal. Further, the working face of the landfill would be covered daily, further reducing the potential for leachate. Lastly, with the heat and wind of a Montana summer, would rapidly evaporate any leachate that makes it to the leachate pond.

The only time the full capacity of the leachate pond made be needed is right after a landfill cell is constructed and prior to any waste being placed in the cell. A landfill cell is filled with four to six feet of waste as soon as possible to prevent precipitation from directly entering the leachate collection system.

Leachate can be recirculated on the lined areas of the landfill for dust suppression from May to October. Further, levels would be checked weekly and after any significant rainfall events (greater than 0.50"). Records of these levels would be kept by staff. The working face of the landfill would be covered daily, further reducing the potential for leachate.

How are they containing stormwater from cloud bursts?

See Section 3.4.1 of the Final EA. Run-on and run-off controls would consist of perimeter berms and ditches would be constructed to divert run-on from entering the waste area. Run-off collected from the working area would be directed to stormwater ponds which are designed for the 100-year, 24-hour storm event.

The leachate evaporation pond seems too undersized. How big it is? Where is it located? How do you protect waterfowl from accessing it?

See PSR's Master Plan at the link provided. The pond is sized appropriately. There are no requirements to protect waterfowl from accessing the pond.

Are there oil/water separators in the leachate pond?

There are no oil/water separators in the leachate pond. They are not required in ARM 17.50.

What is a leachate monitoring system?

A leachate collection system is an engineered structure, located above a liner and below the refuse in a landfill unit, designed to collect leachate. This system is monitored as part of daily, weekly, monthly, and annual operations, and through compliance inspections and follow-up conducted by DEQ.

Do you need a separate permit to recirculate leachate? How is it measured and how is it verified to meet ARM 17.50.1205?

No additional permits are required to recirculate leachate. Recirculation occurs only on lined areas of the landfill unit to suppress dust. The leachate is measured via a staff gauge that would be checked weekly, and more often if needed. ARM 17.50.1205 allows recirculation of leachate on lined areas of the landfill unit. Based on the waste, leachate production would be none to minimal. The working face of the landfill would be covered daily, further reducing the potential for leachate.

Why isn't the stormwater pond lined?

The stormwater pond is not required to be lined. Stormwater is water that has been diverted from the waste areas of the landfill. This water would not be considered leachate because it isn't flowing through waste. This water would normally flow in natural drainages. However, is being diverted to stormwater ponds. ARM 17.50.1109 requires the system to accommodate the 24-hour, 25-year event. As noted above, this has been adjusted by PSR to accommodate the 24-hour, 100-year event, exceeding the requirement of the solid waste ARM.

Where would stormwater ponds be discharged to?

If discharged, they would discharge to state waters once a Montana pollutant discharge elimination system (MPDES) permit was acquired per ARM 17.30 subchapter 13. DEQ's Water Protection Bureau oversees MPDES permits and all requirements pertaining thereto. There is no proposal to discharge. This permit is needed if discharge is necessary.

Why aren't there any designs on the stormwater detention ponds?

Please see PSR's master plan at the link provided.

LITTER

ASR waste contains foam and plastics soaked with contaminants. No number of preventative measures will prevent this material from escaping containment. Windblown ASR is a major concern. Wind will dictate how much material will end up on neighboring land. How will they keep the waste from blowing onto our pasture?

The following operational practices are in effort to minimize waste from blowing offsite:

- Waste is compacted and covered at the end of each working day with six inches of soil.
- Litter control fences would be placed on the property boundary and portable litter screens would be placed downwind of the active working area of the landfill. These screens allow quick movement to adjust for changes in wind direction.
- Any litter that collects in fences would be picked by staff.
- Provisions for ceasing operations during wind events are noted above and in the supplemental licensing information document.

What about flat tires from their metal, glass, and scraps on the road to the landfill?

All loads going to the landfill would be covered, preventing any release of material from the vehicles on the roads to the landfill.

What sheltered areas would waste be put to control litter?

Litter control is noted in the above response and added to the Final EA in *Section 3.8*. Lower lying areas of the site would be utilized in extreme conditions. Further, operations cease when winds exceed certain thresholds as noted above and outlined in the supplemental licensing information at the link provided. PSR would log when operations cease that can be provided when DEQ inspects.

Who is responsible for cleaning up the ditch water or the Yellowstone River if it is contaminated with runoff? Who pays for that?

If any unexpected releases occur because of PSR operations, PSR is responsible for remediation. DEQ would assist in coordinating and verifying cleanup efforts are sufficient.

LOCATION

Yellowstone County has a landfill. Take this waste there. The proposed landfill will be in a growing residential area. No one wants this landfill here. There are more suitable areas for a landfill. I don't want a landfill near my home. Please explore alternative solutions.

DEQ does not select locations for proposed actions. All applications received by the Solid Waste Section are first certified by the landowner and local county health officer (or designated representative), and zoning (if applicable). An application is not considered complete until those signatures are acquired.

Once a application is received, DEQ verifies the location meets the minimum requirements outlined in the ARM (17.50, subchapter 10).

Section 75-1-220, MCA, further states that for projects that are not state sponsored, like the Proposed Action, an alternatives analysis does not include an alternative facility or an alternative to the proposed project itself. Therefore, DEQ only considered alternatives applicable to the proposed facility at the proposed location.

The area is near private property, many of which have livestock. The type of waste proposed would not be healthy for the animals. They should put this landfill much further out. This is being put here because other areas are wealthier parts of town. Why create another waste site?

As noted above, DEQ does not select locations for proposed actions. Further, as noted above in the litter section, the waste would be controlled and the landfill is engineered to contain any waste, leachate, and stormwater onsite to prevent any release or contamination of neighboring properties, groundwater, surface water, or air quality.

DEQ states there are no residents within a mile. That is a false statement.

Upon further review, DEQ notes one residence within one mile from the 90-acres active landfilling area. It is approximately 0.7 miles northeast.

A waste site in the heart of such an agricultural areas will threaten the cattle we raise and crops we grow.

The landfill is on private property. The property is also fenced off to prevent livestock from entering the active landfill areas. As noted above, DEQ does not select locations for proposed actions. If the proposal meets the minimum requirements of ARM, DEQ deems an application complete and is obligated to issue a license and oversee compliance.

This facility shouldn't be located near a stock well.

Siting requirements of a landfill do not require setbacks from wells per ARM 17.50.1009. Landfills, including the one proposed here, are engineered to be protective of nearby water sources via liner systems, leachate collection systems, run-on and run-off controls, groundwater monitoring controls, and litter control.

There is a resident less than one mile away from the furthest corner of the site. One mile notification isn't sufficient.

DEQ has determined only one residence to be within a mile from the property boundary. Landfilling activities won't occur at this point. The closest point of the 90-acre active landfilling would occur is 0.7 mile from the nearest residence. Upon further review, DEQ extended as far as 1.8 miles regarding notification. DEQ staff who inspect landfills frequently determined that one mile is sufficient notification as those outside of one mile are unlikely to be affected by the presence of a landfill. Inspections include driving in either direction from a facility, observing visuals, sounds, odors, and traffic. Across Montana, many landfills have homes less than half a mile away from active areas of a landfill. A well-run facility has little to no effect on neighboring properties.

The Site borders Bureau of Land Management property to the south. How does Pacific include the visiting residents that camp next to the site into the impacts?

PSR proposes to follow the SWMA and associated rules as it pertains to operating a Class II solid waste management facility. These operations would alleviate impacts to the surrounding land and land use.

Why can't we propose a location at the currently operating landfill? They could recycle it from that location, as well. How will the city recoup their loss in revenue?

DEQ cannot dictate where a location is proposed, as noted above. The Proposed Action was reviewed as submitted and meets the minimum requirements of the SWMA and associated rules. Alternative locations to the proposed action were not analyzed per MEPA requirements.

Where are the buildings going to be?

The building would be located in the northwest corner of the property, northwest of the landfilling activities and furthest away from the corner of Shepherd Acton Road and Highway 87. Further, it would be visually blocked by natural topography and the stockpile to the east of the active landfilling area.

OPERATIONS AND OVERSIGHT

What confidence can DEQ offer Shepherd residents that there won't be any illegal conduct from PSR?

Montana's landfills over the years have averaged a 95% compliance rate. However, DEQ cannot guarantee the future actions of a licensee e.g. PSR. DEQ or the county sanitarian would conduct periodic compliance inspections to verify compliance with all applicable laws and rules at the proposed facility. If violations are noted, the licensee would be notified, and appropriate actions taken to return the facility to compliance.

What are the hours of operation?

Standard hours of operation are 8:00am to 5:00pm. Operations would occur no later than 7:00pm (in special circumstances).

What constitutes closure or shutting down of operations?

As noted above, certain wind conditions would prompt the ceasing of operations, as outlined in the supplemental licensing information documents at the link provided.

How many employees will be onsite during disposal?

As noted in the license application, the site can be operated with one full-time employee. However, there would be other staff when the primary operator takes time off. One staff would be a site foreman/lead equipment operator. Their duties include:

- General day-to-day disposal operations.
- Lead equipment operator.
- Supervise other onsite staff.

- Placing, compacting, and covering waste.
- Maintain the leachate collection system.
- Daily and weekly litter cleanup.
- Deploy daily and intermediate soil cover.
- Estimate grades, distances, and depths of waste.
- Road, ditch, and detention pond maintenance.
- Excavation and hauling of daily and intermediate cover.
- Keeping daily records of daily and intermediate cover.
- Special projects as needed.
- Report any problems to company management.

Another position is the equipment operator/site maintenance position. Their duties include all the duties above except supervision.

What are the specific dust suppressant methods being used for roads? If it is magnesium chloride, for example, this will build up on our cars. How will that be mitigated?

As noted in the license application, water is being proposed as a main dust suppressant. Magnesium chloride could be utilized as a dust suppressant method, as well. Magnesium chloride is a standard chemical used by local governments and Montana Department of Transportation on many public roads in Montana. It is also used on winter roads to de-ice and prevent slippery road conditions.

Pacific says no lighting will be onsite. Will they be operating once the sun goes down? Headlights need to be accounted for.

Standard operations would occur during normal business hours (8:00am to 5:00pm). Operations would occur no later than 7:00 pm in special circumstances. Therefore, headlights would not be considered as an added impact especially when compared to the current light pollution from vehicles utilizing Highway 87 and Shepherd Acton Road. Only one security light on the building would be on during the night.

Will there be any Class II waste taken from other entities?

No waste would be taken from any other entities. All waste disposed of here comes from PSR's Lockwood facility. The only waste accepted is ASR.

If there is no scale, how is the amount of waste going to be regulated and verified?

PSR has state-certified scales that are used to weigh-in, and weigh-out ASR loads from the Lockwood facility. Data is accurate and verifiable. Further, this volume is noted and would be verified annually during the license renewal process through DEQ.

Where is the operation and maintenance plan in the proposal?

See page 274 in the license application titled "Operation and Maintenance Plan".

We are concerned about having an auto shredder facility in this area.

The Proposed Action would not include an auto shredder facility. This would only be a landfill.

Has Pacific shown any proof that they will be able to process this waste appropriately as it pertains to landfilling?

Yes. PSR has taken this waste to City of Billings Landfill for 15 years.

Could Pacific build an enclosed storage building for the waste where they could bale the waste to minimize volume instead of landfilling?

This is not a requirement. PSR does not intend on doing this.

Employees would be conducting inspections. They need to have training on environmental compliance regulations.

All employees would have appropriate training regarding operations at this facility. See Section 4.6 Safety Program on page 288 of the license application.

There are instances in Wisconsin, UK, and Australia where similar ASR disposal sites have been associated with contamination and negative impacts on nearby residents. How can we be 100% sure this doesn't happen here?

DEQ cannot use potential contamination to not issue a license. Solid waste management facilities are engineered according to the laws and rules pertaining to solid waste management. The regulations are in place to be protective of human health and the environment. DEQ's role is to verify compliance with these laws and rules. The community can be partners in compliance with DEQ.

The amount of dirt needed to cover the materials appropriately is large. How can we be sure it will happen to prevent air quality contamination?

The dirt that is excavated to engineer the landfill would be stockpiled to utilize for daily and intermediate cover. As noted above, PSR proposes to use water and a Dust Boss to prevent dust from leaving the site. If dust is noticed, PSR plans to utilize their proposed dust suppressant methods to remedy the issue.

This is the first ASR landfill in the US. EPA and DEQ do not have enough regulations to promise health and safety of the community.

This landfill is proposing to dispose of ASR waste. ASR waste is a Group II waste. Group II waste is legally disposed of at a Class II landfill in Montana. This facility is licensed as a Class II landfill. DEQ's rules and regulations are based on EPA's Resource Conservation and Recovery Act (RCRA) requirements. Though this is one waste stream, the requirements of disposal are met and are in place to be protective of human health and the environment in regard to a Class II solid waste management facility in Montana.

This waste also contains appliances.

Appliances enter the shredder. If this occurs, freon is removed prior to shredding. In these cases, most of an appliance would be diverted as metal recycling and not become part of the ASR waste stream.

Remove the word "Repository". This is false. Does DEQ have the authority to change the name of a project? Is this a landfill or a repository?

The name of the facility as proposed has the word "Repository". However, as noted above, this facility is being licensed as a Class II landfill as is noted in the Draft and Final EAs, *Section 1.2* as an example.

Where are the cars coming from? What is the process at the Lockwood site that creates the ASR?

Most vehicles are vehicles from Montana, but some vehicles come from North Dakota, South Dakota, and Wyoming for processing and recycling.

Once vehicles arrive at the Lockwood facility, they are de-polluted of fluids, chlorofluorocarbons, mercury switches, and lead acid batteries prior to crushing and shredding. The result is clean processing. After materials are sent through the shredder mill via a conveyer belt, an eddy current system and air sensor sort and separate metals from auto shredder residue (i.e., fine metallics, plastics, glass). They are separated into different bays. PSR is deposited into its own bay. From there, ASR is tested (on specified

frequency) and determined for proper disposal. PSR, by practice, has state certified scales that are used to weigh-out and document out-going ASR loads. As a result, subject data is accurate and verifiable.

Other states will ship their ASR to Montana.

DEQ lacks authority to regulate where waste originates from. As proposed by PSR, the only waste going to this landfill would come from PSR's Lockwood facility.

Where does the dirt come from to cover the fluff each night and who oversees that is done adequately?

The site foreman would oversee this daily. Further, DEQ would oversee this when they conduct their compliance inspections. The dirt would be stockpiled from construction and excavation of the landfill prior to operations.

PSR has a track record of violations in other states and facilities.

DEQ cannot make regulatory decisions on other states and other facilities beyond what is being proposed.

If the ASR is piled 40 feet high, what will keep it from blowing away?

The landfill unit would be 40 feet high. However, this 40-foot vertical would mostly be soil. The landfill would be covered daily with soil. All landfills are landfilled many feet into the air. Soil keeps the trash at a typical landfill from being blown in the wind.

How do we know Pacific will follow the rules?

DEQ oversees compliance at all Montana solid waste management facilities. DEQ verifies compliance during compliance inspections as noted above. DEQ believes Montana's communities are partners in compliance.

How often will DEQ inspect the site? Are they announced or unannounced?

DEQ's goal is to inspect Class II landfills at least three times a year. DEQ would inspect facilities more frequently if needed. Inspections are both announced and unannounced.

Why doesn't PSR spray the ASR itself?

This is an operational choice. ASR has tarped trucks to prevent the waste from blowing during transport. Operations would shut down when winds are at certain velocities, as mentioned above.

Will trucks drive over the existing buried gas line? If so, was the pipe load rates to handle truck loads?

The pipeline is outside the 90-acres proposed for active landfilling.

PSR said they will store 1000 gallons of fuel on site. Where? If so, they need an SPCC plan if it is an above ground fuel tank of 1,320 gallons.

If PSR has capacity to hold 1,320 gallons of fuel, SPCC plans would be adhered to.

Do not exempt a methane monitoring plan. If there is no risk, PSR needs to prove it. The EA states that municipal solid waste could end up in the landfill.

Because ASR does not decompose (see Section 3.7.1 in the Final EA), no methane would be produced from this facility. DEQ has exempted this requirement of methane monitoring.

Which locations will PSR accept waste from?

PSR would only accept ASR from Lockwood per page 10 of the license application.

Is it only ASR or Class II waste accepted?

This facility would only accept ASR.

Where is the information in the EA regarding the proposed opening date?

See page 6 of the license application under “What is the proposed opening date for this facility?” In the application, it is proposed to open July 1, 2024. However, the licensing process has taken longer than anticipated. Construction is to start on June 17, 2024, and the newly proposed opening date is estimated to be January 1, 2025.

Does the Lockwood site create 25,000 tons or all Pacific Steel?

Lockwood’s facility produces approximately this amount of ASR.

What is the benefit of operating independently?

As noted on page 25 of the license application under Section 1.4, ASR can potentially be recovered for other uses later. If disposed of at City of Billings Landfill, it can never be recovered for recycling purposes.

What is daily cover composed of?

Daily cover is simply composed of soil that was excavated from the engineering and construction of the landfill.

The EA does not speak to workers or the amount of traffic that would go to the landfill.

Staff onsite is noted in Section 3.11. See Section 3.7.3 for traffic. The proposed additional traffic is five to ten trucks a day as noted in PSR’s technical fact sheet at the link above.

What stops PSR from drilling into the aquifer to get more water, so they don’t have to haul it?

This has not been applied for and DEQ’s Solid Waste Management Act does not regulate well drilling or usage. Therefore, this would not be approved. Further, this is not a practice that has been observed by DEQ’s Solid Waste Section in any instance.

Has anyone test burned the material to see what would be released?

No. This is not a requirement of any waste that is disposed of in a landfill. Best operational practices would be employed to prevent fires from occurring via daily cover.

What stops the company from bringing material from other locations?

PSR would only accept waste from the Lockwood facility. Their application states this and is approved and overseen as proposed.

What happens if PSR decides not to clean up the landfill at a later date?

PSR is required to have financial assurance per ARM 17.50.540. This entails a detailed written cost estimate in current dollars (adjusted every year) showing the cost of hiring a third party to close the largest active portion of the facility. This mechanism is in place to assure that closure and post-closure of the facility would be covered via a surety bond. Financial assurance requirements also guarantee funds for the post closure care of the facility. These cost estimates are found in page 716, Section 7.0, Closure Schedule of the license application.

Why don’t they compact the ASR for every load, not just during windy conditions?

PSR has not proposed this nor is it a requirement.

PFAS

We are seeing chemical leaching of PFAS, carcinogens, and plastics across the country. There isn’t a lot of science yet to determine long term effects. We request a long-term delay of this project to allow PFAS investigations to continue. DEQ’s PFAS Action Plan, Objective 5, states, “Prevent creation of new

sites (such as biosolid application sites) through better sampling and planning.” There are forever chemicals in the fluff that cause the liner to break down over time. What happens when this happens?

There are no current rules regarding PFAS and waste disposal. EPA’s rules regarding PFAS speak to drinking water standards. Environmental protections such as liners, groundwater and surface water controls, and operations would prevent contamination.

Please disclose any impacts to groundwater and surface water from leaching of PFAS and metals.

In Section 3.4.2 of the Final EA, there is low potential of impacts to current surface and groundwater systems given the appropriate measures. Monitoring of the groundwater would be conducted and reviewed quarterly every year for the duration of operation and 30-years post-closure. Currently the PFAS Maximum Contaminant Limit given by the EPA for drinking water is four parts per trillion. Currently, EPA does not have standards for PFAS at landfill sites.

PROPERTY VALUES

This will be a detriment to our community. It will deter people from moving to this area and dramatically affect the value of our homes and property values.

Comment noted. “Minor” is defined in Section 3.2 of the EA as, “The effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.”

Section 3.3.13, regarding property values, discusses several peer reviewed studies on landfills and property value effects. In addition to the studies noted in that section, DEQ has also reviewed the following:

- A study by Nelson, A. C., et al. (1992, "Price Effects of Landfills on House Values." Land Economics 68: 359) indicates that the studied landfill adversely affected home values in the range of 12 percent at the landfill boundary and 6 percent at about one mile. Beyond about 2-2.5 miles adverse effects are negligible.
- Another study by Zeiss, C. and J. Atwater entitled "Waste Facility Impacts on Residential Property Values." (1989, Journal of Urban Planning and Development, 115: 64-80) finds no significant impacts from landfills.
- A study by Reichert, A. K., et al. entitled "The Impact of Landfills on Residential Property Values." (1992, Journal of Real Estate Research: 297-314) shows negative impacts up to 7 percent on property values. This study looks to determine the impact of five municipal landfills on residential property value in a major metropolitan area (Cleveland, Ohio). The study concludes that landfills will likely have an adverse impact upon housing values when the landfill is located within several blocks of an expensive housing area. The negative impact is between 5.5%-7.3% of market value depending on the actual distance from the landfill. For less expensive, older areas the landfill effect is considerably less pronounced, ranging from 3% to 4% of market value, and the effect is essentially non-existent for predominantly rural areas. The study mentions that data limitations may make it impossible to model all possible factors.
- Another study by Nelson A.C. et al. entitled "Price Effects of Landfills on Different House Value Strata." ((1997, Journal of Urban Planning and Development 123: 59-67) uses a large number of homes near a landfill and finds negative home price effects associated with the proximity of a landfill. It also shows that such effects falls disproportionately on higher priced homes.

In sum, the studies referenced above and in Section 3.12 have yielded inconsistent results, but generally, larger effects on property values are seen from larger landfills, less modern landfills, landfills that accept hazardous waste or pose health risks, areas with negative perceptions of landfills, landfills that are more visible, and landfills near higher end properties. However, even these effects are not robust across all studies and not all effects were studies in every study.

The Proposed Action, several factors mitigate against the potential for adverse impacts to nearby property values. The adjacent properties to the area of the proposed landfill are used for agricultural purposes. The Proposed Action is a class II solid waste landfill, not a hazardous waste landfill. The Proposed Action is located away from urban areas, in an area with varied topography containing visual breaks.

In sum, while the available studies indicate that property value impacts can be hard to predict and vary depending on the landfill and location, impacts from the Proposed Action are expected to be minor based on the mitigating factors above.

Having large, noisy trucks and dump equipment could create a problem and force people to sell their homes.

The distance of the facility to nearby homes would not have noticeable effect regarding noise. The noise from Highway 87 traffic would cover any sound that might be heard from landfilling operations.

PUBLIC MEETING

Many people could not hear the questions. The people who presented were barely heard by the crowd and spoke too fast to be understood. Sound issues should not have been a problem. The technical difficulties were frustrating.

DEQ apologizes for the technical difficulties. The open house before the presentation was an opportunity for the public to come to all pertinent staff to ask questions about the project. DEQ, PSR, and Great West Engineering staff stayed through the presentation, a two and a half hour Q&A, and some questions after the presentation. Staff arrived at 5:15pm to set up and left around 10:30pm.

You provided cards for questions or concerns, but they were “grouped” into general topics and many specific questions were not answered. We expected to have discussions on our concerns. It seems many questions were overlooked and skipped because they were “hot topics”.

DEQ grouped cards into themes to better direct questions to appropriate staff. Further, there were many questions that were repeated, as one would expect and as we saw in the public comment period submissions. No topics were skipped because of level of contention.

The only way the public got some questions answered was to shout them out.

DEQ answered both questions from cards and questions that came from the audience.

DEQ changed the format of the meeting right before the meeting.

DEQ did not change the format of the meeting. As advertised, there was an open house from 6:00pm to 6:30pm, a presentation at 6:30pm, then a Q&A to follow. DEQ did not leave Shepherd Gymnasium until approximately 10:30pm.

The online portion didn’t seem to work.

DEQ noted about 25 people that attended online. Feedback DEQ received was that sound and the presentation were clear. Thank you for this feedback and we would continue to improve the online portion of our meetings.

A comment was made in an interview that “based on the information we have now, we could permit the landfill.” It sounds like the decision has already been made.

DEQ made a preliminary decision on a complete application. The comment period allows the public and any other interested parties to submit comments for DEQ review. If for any reason an issue is brought forth that deems the application incomplete as it pertains to the Administrative Rules of Montana or Montana Code Annotated, DEQ would not issue a license.

In this case, DEQ has deemed the application complete and intends to issue a license.

Thank you for taking the time to host the public meeting. I learned a lot about this landfill, and I feel your analysis shows this will be safe for our community. I think future reuse is great.

Thank you for your attendance and interest in the project.

Why not have people sign up and do a proper public hearing?

Comment noted. We determined that format appropriate to give the community ample opportunity to learn more about the project, ask questions to PSR, DEQ, and Great West, present the information, and solicit questions and answers. A public hearing.....

The meeting started 30 to 45 minutes late.

This is incorrect. The meeting started at the scheduled time, as noted above, and outlined in the agenda that was shared prior to the meeting and provided at the meeting.

They should have given the presentation first then have the open house after.

Thank you for this feedback.

There was no promise of an open forum, but it would have been nice to allow community members to speak more freely.

Thank you for this feedback.

Though not a DEQ issue specifically, please be sure the panel is more prepared and ready so progress can be made.

Thank you for this feedback.

The screen was very small.

Thank you for this feedback.

Why didn't DEQ use the sound system in Shepherd High School gym?

DEQ was told that the sound system was not available for our meeting.

PUBLIC PARTICIPATION

We didn't find out about this facility until three days before the comment period ended. What landowners were notified via physical letter?

See *Section 1.6* of the Final EA.

Why would DEQ only have a 10-day comment period? People need more time to review a 37-page document and a much longer application. The application also stated a "30-day comment period" would occur.

As mentioned at the November 21 public meeting, because of the multiple points of community outreach conducted by PSR prior to DEQ's publication of the Draft EA, DEQ made the decision to have a 10-day comment period. Once the public comments requested extension, DEQ extended the comment period 31 days, giving a total of 41 days for public comment on the Proposed Action.

The application does state a 30-day public comment period would occur. MEPA timelines are discretionary by the agency and project.

I live a few miles away and was not notified of this project.

See *Section 1.6* of the Final EA.

We weren't given the opportunity to adequately ask questions on the Proposed Action.

DEQ was present for an open house and public meeting on November 21, 2023, in the Shepherd High School Gymnasium. DEQ, PSR, and Great West Engineering staff were available from 6:00pm to 6:30pm for an open house. This portion of the meeting, tables were set up for each entity to answer questions, clarify the project, and speak to the community members about the project.

Staff then presented the project around 6:30pm. A Q&A followed where people wrote questions on cards and they were answered by DEQ, PSR, and Great West staff. Members of the community asked questions outside of the cards in between questions narrated by DEQ staff. This session lasted until about 10:15pm. Staff stayed another 20 to 30 minutes after the session to speak with community members that had further questions based on the presentation and Q & A.

The public comment period went another nine days after the community meeting was held.

Where is the mile radius measured from?

For notification, one mile was noted from PSR's license boundary noted in **Figure 7**. Notification extended beyond one mile in some instances. For analysis of impacts, one mile was noted from the 90-acre active landfilling area boundary noted in **Figure 1**.

The comment period had three holidays and two federal holidays.

The comment period was 41 days. There are no requirements to hold or extend comment periods only during periods where no holidays occur.

Will there be a new EA and public comment period? The public needs to review the EA once more before a final decision is made.

The Final EA and response to public comments was published on June 11th, 2024. There would be no further comment periods regarding the Final EA and response to comments.

Please delay a decision until EPA comes out with rules.

As it stands, the project meets the minimum requirements of the Administrative Rules of Montana and Montana Code Annotated. As rules change, whether federal or state, DEQ would adjust. DEQ is obligated to approve the Proposed Action and issue the license according to the law. DEQ is also obligated to verify compliance with Montana's laws and rules via compliance inspection and assistance.

What local authorities were informed? The county health officer thought this was a recycling facility. Why weren't all the agencies GW notified also notified once the EA went out?

Yes. The application is not deemed complete until the local county health officer or designated representative reviews and certifies the application via signature. Their signature ensures all local laws and regulations are being met. The entire application was provided to Yellowstone County regarding public health and zoning. Both signatures were acquired and certify the application complete. PSR never proposed a recycling facility.

RECYCLING

What is PSR currently doing to reduce the amount of ASR? Separation and recovery of recyclable materials needs to increase.

PSR adheres to strict source procedures regarding non-conformance materials. Staff are routinely trained in inspection procedures and rejected items are documented in a log at all PSR facilities. PSR serves in the business of recycling and re-use of known commodities, not wastes. Once materials are accepted at

Lockwood, further processing is done. For example, in the case of junk vehicles, they are de-polluted of fluids, chlorofluorocarbons, mercury switches, and lead acid batteries prior to crushing and shredding. The result is clean processing. After materials are sent through the shredder mill via a conveyor belt, an eddy current system and air sensor sort and separate metals from auto shredder residue (i.e., fine metallics, plastics, glass). PSR, by practice, has state certified scales that are used to weigh-out and document out-going ASR loads. As a result, subject data is accurate and verifiable.

Once ASR is separated, it is trucked to the Billings Landfill. Once PSR completes construction of the new landfill, this waste would go to the new landfill.

According to EPA, PSR cannot recycle ASR unless it is tested of all incoming waste stream/feedstock for PCB's and testing results in less than 2ppm.

Comment noted. This comment pertains to the recycling of ASR. The Proposed Action is landfilling of ASR and does not pertain to what is being approved by DEQ.

TRAFFIC

Montana Highway 87 North is congested and passes subdivisions, schools, and private homes. The proposed location at the intersection of Shepherd Acton Road and Montana Highway 87 N has had numerous fatal accidents. Increased commercial traffic will add to that risk. Further congestion on Main Street in Billings Heights will increase road hazards. Entrance and exit are a concern from this intersection. Turning lanes should be required.

On November 20, 2023, Zach Kirkemo from MDT has determined that, "Current and projected traffic volumes as well as recent crash history do not warrant consideration of turn lanes at the intersection." Traffic and traffic patterns are overseen by MDT. DEQ does not have jurisdiction over traffic and Montana Highway 87 North.

Commercial traffic in and out of the landfill will result in mud, gravel, auto fluids, and waste scattered from the proposed landfill location in Shepherd to Lockwood, which jeopardizes the safety of other motor vehicles.

PSR plans to utilize an off-site vehicle tracking mat and two cattle guards. Both would be installed on PSR's entrance approach road where it leaves Shepherd Acton Road as shown on Sheet 3 of the revised Master Plan.

The site should have a paved road for access to minimize the dust and mud being deposited on the main road.

DEQ does not have jurisdiction over traffic or road improvements.

The public roadways are not suited for more commercial traffic.

DEQ does not have jurisdiction over traffic or road improvements.

The proposal doesn't address or consider traffic and the need for a turn lane on Highway 87. Line of site is a real problem and quite dangerous. There have been many accidents on this highway at the intersection of Highway 87 and Shepherd Acton Road. Please consider improvements to that intersection.

MDT has determined that, "This is an existing concern which would not be significantly impacted by the presence of a potential landfill and associated truck traffic." Traffic and traffic patterns are overseen by MDT.

Will there be alternate routes offered for my son's school bus since the bus stop will be an entrance to a landfill?

DEQ does not have jurisdiction to determine bus routes.

Traffic here will decrease the safety of my mailbox. I would like Pacific to install a heavy duty, secure mailbox to replace what I have since traffic will increase at this area.

DEQ does not have jurisdiction or authority to require PSR to install heavy duty mailboxes because of the Proposed Action.

How many trucks and how often will they access the site?

Five to ten trucks a day would enter the site from 8:00am to 5:00pm, no later than 7:00pm under special circumstances.

Billings District of MDT reviewed the traffic study and concurs with the conclusions and recommendations of the study. Current projected traffic volumes and recent crash history do not warrant consideration of turn lanes at the intersections. No traffic mitigation is necessary.

Thank you for your comment.

We are concerned with the use of 12 Mile Road and Shepherd Acton Road with so many residences and concern for road damage. Any alternative traffic patterns would need to be approved by MDT as they were not explored by the traffic study.

Traffic and traffic patterns are overseen by MDT. DEQ does not have jurisdiction.

What route will be taken to haul their waste?

PSR would drive directly up Highway 87 to Shepherd Acton Road. This has been added to *Section 3.7.3* in the Final EA.

How can a business use a county road when they haul sharp objects that can fall on the ground and cause flat tires? Also, how can they be allowed to wear down a county road with big trucks?

DEQ does not regulate traffic. Most public roads accommodate heavy traffic. Further, they accommodate many personal, business, and commercial vehicles that haul sharp objects (e.g., contractors, farmers, ranchers, personal vehicles, etc.). Further, PSR would cover all trucks hauling waste to the landfill.

Where is a copy of the crash statistics I requested from MDT?

DEQ does not oversee documentation housed by MDT. Please reach out to MDT for this information.

VEGETATION

There is more than minimal sagebrush at the site.

Comment noted.

Where is the noxious weed control plan? Please verify the revegetation and noxious weed management plan.

This plan would be provided by and coordinated with Yellowstone County.

WILDLIFE AND LIVESTOCK

COMMENT #3

Residents see wildlife commonly. These animals would be negatively affected.

Comment noted. Transient wildlife is not drawn to any human operations, including agricultural, due to impacts like noise, human presence, and general disruption to the land. A vast amount of similar habitat surrounds the 90-acre proposed site on that same 325-acre plot.

My primary concern is with Montana's effort for the recovery of the "Sage Hen". We have flushed Sage Hen out of the Charter Ranch (adjacent to the proposed site) on a few occasions. It is a pleasure to see them. The Sage Grouse Habitat Conservation Program responded but the applicant didn't supply the plan for mitigative actions.

The Sage Grouse Habitat Conservation Program has worked with PSR to pay into the Sage Grouse Stewardship Account based on that office's calculations and the amount of land disturbance at the Site to the tune of \$37,664.54. See *Section 3.3* in the Final EA for more information. The Sage Grouse Habitat Conservation Program (SGHCP) coordinates with project sponsors to determine path forward regarding sage grouse habitat. The model used by the SGHCP accounts for the direct, secondary, and cumulative impacts regarding sage grouse habitat. For more in-depth of the methods and tools developed by the SGHCP please visit this [link](#).

This project could harmfully affect birds that use ASR for their nests. Black-tailed prairie dogs and coyotes could eat this material, as well.

Litter would be controlled via fences and daily cover.

No wildlife was noticed in Pacific's study. There are antelope, mule deer, and elk sited almost daily.
Comment noted.

Wildlife will die as a result of the Proposed Action.

Please see Section 3.3 of the Final EA regarding wildlife impacts from the Proposed Action. Due to the daily covering of waste material at the Site, wildlife fatalities on-site would be minimal. Also, this habitat is not critical for any species of wildlife. The general statement of the commenter does not indicate a specific aspect of the Proposed Action or what wildlife could die from the Proposed Action.

Where are the endangered species in your analysis?

See *Section 3.3* of the Final EA.

What about the antelope? It seems FWP was not notified.

See *Section 3.3* of the Final EA. Antelope are considered transient species. FWP was notified of the project on multiple occasions as early as June of 2022 and as recent as November 2023.

Why is it being spread that PSR donated to the Sage Grouse fund when that hasn't happened, and their donation is dependent on licensure?

DEQ is unsure of the origin of that inaccurate statement. PSR consulted the Sage Grouse Habitat Conservation Program (SGHCP) in October 2022. The details regarding the consultation between SGHCP and the applicant are not under the jurisdiction of DEQ. SGHCP's requirements are outlined and expressed to PSR and would be followed and enforced by SGHCP.

WIND

This is a high wind area. 30 to 60 mile per hour winds are common in the Shepherd area and will cause the landfill contents to disperse throughout residential areas. Disturbed soil will become airborne creating a hazard for motorists and respiratory issues to those downwind.

PSR's operation and maintenance plan outlines when operations would be adjusted due to the wind. These plans are as follows, and noted above:

1. PSR would install an anemometer at facility to measure wind speed.
 - a. Continuous wind speed exceeding 35 mph.
 - i. PSR would immediately place and compact ASR upon arrival.
 - b. Continuous wind speed exceeding 45 mph.

- i. PSR would close until speeds subside for at least two hours.
- c. Instantaneous wind gust exceeding 55 mph.
 - i. PSR would close until speeds subside for at least two hours.

“Continuous wind speed” means wind speeds that sustain for ten minutes.

See *Section 3.8* of the Final EA regarding air quality.

What does “high wind” mean? Under what conditions will Pacific shut down? How will the wind be measured and how often?

As noted above, all conditions under which PSR would shut down are outlined. The wind is constantly measured by the onsite anemometer and reviewed by the site foreman daily and routinely. Further, PSR would log all operation shutdowns.

Is there any wind data that was collected in selecting the site?

No data was collected in the selection of the site. There are no rules or statutes speaking to threshold of average wind speed and licensure of an action.

OTHER

We are already dealing with decreased quality of life from the approved gravel pit and asphalt plant. Do not allow this area to become a toxic dump.

See *Section 3.16* of the Final EA regarding cumulative impacts.

We were never contacted nor were any of our neighbors of this landfill proposal. We were never notified of any meetings with Pacific Steel. Why hasn’t this been in the news and every resident in the Shepherd District called, mailed, and personally contacted to voice their opinion? People in the nearby communities should have been notified and this shouldn’t have been a secret.

The notification timeline for DEQ is as follows:

- 6. October 20, 2023: notification of EA and public comment period.
- 7. October 30, 2023: notification of extension of comment period by 31 days.
- 8. November 11, 2023: notification of public meeting.
- 9. November 21, 2023: public meeting
- 10. Numerous correspondence with Stop the Shepherd Landfill, as recent as March 25, 2024.

This area is known to have archaeological finds such as arrowheads and dinosaur bones.

If these are found during construction of the landfill, the State Historical Society and DEQ would be notified, and proper process would be followed with that entity in collaboration with DEQ and PSR.

Has FWP, Montana Wildlife Federation, Rocky Mountain Elk Foundation, Audobon Society, USDA, or other similar organizations given their “stamp of approval”?

In Montana, approval or denial of a Class II solid waste management facility application is not dependent on the approval of any entity except the local county health officer (or designated representative), the property owner, local zoning (if applicable), and DEQ.

This project is being expedited and approved for Pacific Steel’s financial gain.

This project is not being expedited. DEQ has taken time beyond our regulatory timeline to respond to some comments that have come in outside of the comment period, fulfill records requests, review

submitted comments during the comment period, organize comments, prepare a response to substantive comments, update the Final EA, and due diligence in verifying the submitted application meets the minimum requirements of ARM and MCA.

We don't feel the public has been fully informed of the project. FWP didn't even know about this project.

See Section 1.6 in the Final EA. See Exhibit K in the license application (page 146). FWP was notified by Great West and DEQ as early as June of 2022, and as recent as November of 2023.

The Proposed Action will cause a shift in any unique quality of life.

DEQ does not believe this would affect neighboring properties in a negative way that would shift quality of life negatively.

This project will affect tourism in the area.

DEQ does not believe this would affect tourism in a negative way.

Asbestos and TENORM would be present at the facility.

PSR does not propose disposing of this type of waste. ASR does not contain TENORM or asbestos. ASR is the only waste proposed for disposal. Therefore, these wastes would not be present at the facility.

What happens if Pacific goes out of business?

Please see Attachment 11 of the license application regarding financial assurance. PSR provided cost estimates of closure and post-closure of the landfill per ARM 17.50, subchapter 14. This would be done via a surety bond.

Pacific owns this property and have every right to complete this project. Not approving this would require the solid waste to be stored elsewhere. Please approve this project.

Comment noted.

Is the land owned by Pacific Hide and Fur, or Pacific Steel and Recycling?

The land is owned by Pacific Hide and Fur Depot, doing business as Pacific Steel and Recycling. Pacific Hide and Fur Depot is the legal business name.

Was there a history of soil moisture at the site?

No. This is not required as part of the approval process.

Houses within five miles of the site need to have a property tax break due to reflect the decrease in home value.

DEQ does not have jurisdiction over property taxes or tax breaks due to potential decrease in home value.

PSR has been fined for groundwater contamination in Idaho. If they are self-regulated, how do we know they won't do the same here?

DEQ cannot approve or deny a project based on operations and activities occurring outside of a proposed action.