FINAL ENVIRONMENTAL ASSESSMENT

October 2, 2023

Tanks, Brownfields, and Federal Facilities Bureau
Underground Storage Tank Section
Montana Department of Environmental Quality

PROJECT/SITE NAME: Town Pump East Helena 1	
APPLICANT/COMPANY NAME: East Helena 1 RE2 LLC	
PROPOSED PERMIT/LICENSE NUMBER: 24-0014	
LOCATION: S25, T10 N, R03 W, SWNW; NWSW; LESS HWY R/W	**COUNTY:** Lewis and Clark
PROPERTY OWNERSHIP: **FEDERAL** ____ **STATE** ____ **PRIVATE** _X_	

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1. PURPOSE AND NEED FOR PROPOSED ACTION

1.1 AUTHORIZING ACTION

Under the Montana Environmental Policy Act (MEPA), Montana agencies are required to prepare an environmental review for state actions that may have an impact on the human environment. The Proposed Action is considered to be a state action that may have an impact on the human environment and, therefore, the Department of Environmental Quality (DEQ) must prepare an environmental review. This Environmental Assessment (EA) will examine the proposed action and alternatives to the proposed action and disclose potential impacts that may result from the proposed and alternative actions. DEQ will determine the need for additional environmental review based on consideration of the criteria set forth in Administrative Rules of Montana (ARM) 17.4.608.

This environmental review under MEPA does not contain an analysis of potential impacts of greenhouse gases or climate change.[1] DEQ is aware of the recent opinion in *Held v. State*.[2] That decision is being appealed to the Montana Supreme Court and final resolution is yet unsettled.[3] Consistent with our mission and values, DEQ will continue to assess our environmental review processes and perform robust and protective analysis.[1]

1.2 DESCRIPTION OF DEQ REGULATORY OVERSIGHT

DEQ implements the Underground Storage Tank Act of Montana, overseeing the development of underground storage tank systems and associated facilities.

1.3 PROPOSED ACTION

Town Pump Inc. has applied for a new installation permit under the Underground Storage Tank Act of Montana to construct a new underground storage tank facility. This permit would allow for the installation of eight (8) underground storage tanks containing petroleum products and associated piping to fuel dispensers. Once installed, the facility would be issued an UST Operating Permit as a new UST facility ID #00-32557. The proposed action would be located on private land, in East Helena, Montana. All information included in this EA is derived from the permit application, discussions with the applicant, analysis of aerial photography, topographic maps, and other research tools.

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[1] See § 75-1-201(2)(a), MCA.

[2] *Held v. State*, No. CDV-2020-307 (Mont. 1st Jud. Dist. Ct. Aug. 14, 2023) (declaring § 75-1-201(2)(a), MCA (2023) unconstitutional).

[3] *See Whitehall Wind, LLC v. Mont. PSC*, 2010 MT 2, P18 (holding that agencies are entitled to appeal a district court's decision overturning agency action prior to being required to implement the court's orders); *Grenz v. Mont. Dep't of Natural Res. & Conservation*, 2011 MT 17.

The proposed UST facility includes the following:

Tanks: This project involves installing the following eight (8) double-walled tanks:

Tank Number	Capacity in Gallons	Substance Stored
1	30,000	Gasoline
2	30,000	Diesel
3	30,000	Diesel
4	10,000	Gasoline
5	20,000	Gasoline
6	10,000	Diesel
7	10,000	Diesel
8	10,000	DEF

Tanks: All underground storage tanks would be Xerxes double-walled fiberglass tanks with a monitored interstitial space.

Piping: All product piping would be NUPI Americas 2.5" over 2" Smartflex TSMAUXPD63B6/TSMAXPD63RXX double-walled high-density polyethylene (HDPE-PE100) semi-rigid flex piping. Approximately 1,690 feet of double walled product piping would be installed during this installation. The double walled NUPI Americas Smartflex semi-rigid flex piping would be direct buried and continuously monitored via liquid tight containment sumps and sump sensors.

Secondary Containment Sumps: A Xerxes fiberglass tank-top sump would be installed around all tank tops including all Submersible Turbine Pumps (STPs). Beneath each dispenser, NUPI Americas HDPE dispenser sump, Model DS3617 Encore containment sumps with model SBK-3 stabilizer bar kits would be installed. All sumps would be tested to confirm liquid tightness. Veeder Root model 794380 liquid sensors would be installed in all containment sumps and would be tested for functionality.

Tank & Piping Monitoring System: The tank leak detection monitoring system consists of a Veeder Root TLS-450 Plus console, Veeder Root model 846390 Mag Plus Probes in the tanks, and Veeder Root model 794380-XXX interstitial brine monitoring sensors installed in the space between external and internal walls of the tanks. The console would conduct 3.0 gallon-per-hour tank leak tests after every dispense cycle. The console would conduct continuous tank interstitial monitoring and Warren Rogers Associates SIR 0.2 gph tests for tank leak detection. Veeder Root DPLLD Electronic Line Leak Detectors (ELLDs) model 859080 would be installed in the leak detector port of each turbine. Veeder Root 794380 liquid sensors would be installed in all containment sumps and the sumps would be continuously monitored for leaks. Each ELLD would be programed to shutdown the associated STP when a 3.0 gph leak is detected. The console would conduct continuous piping interstitial monitoring and Warren Rogers

Associates SIR 0.2gph tests for piping leak detection.

Spill and Overfill Prevention: The newly installed tanks would have a Franklin Fueling Systems Defender Series Model 705555201 C1-GKT double-walled thread on spill bucket installed on the fill riser of each regulated tank. Two (2) fills with Franklin Fueling Systems Defender Series Model 705555201 C1-GKT spill buckets would be installed on the three (3) 30,000-gallon tanks. Drop tubes would have Franklin Fueling Defender Overfill Prevention Valves (flapper valves) installed for overfill prevention. Each flapper valve would be installed to begin activation at 90% tank capacity and stop the fuel delivery at 95% volume capacity of each tank system.

Table 1: Summary of Proposed Action

Proposed Action	
General Overview	Construct one (1) new retail fuel system and one (1) new commercial fuel system.
Duration & Hours of Operation	***Construction:*** Fall 2023 to 03/29/2024; 7:00am to 9:00pm ***Operation:*** 24 hours/day ***Tank Operational Life:*** 30+ years
Estimated Disturbance	1.7 acres
Tank Basin Dimensions	Tank Basin #1: 60' x 40' x 15' Tank Basin #2: 60' x 40' x 15'
Piping Trench Linear Feet	Pipe Trench #1: 500 feet Pipe Trench #2: 185 feet
Electrical Supply Trench Linear Feet	Electrical Trench #1: 500 feet Electrical Trench #2: 350 feet
Construction Equipment	Dump trucks, semi-trucks and trailers, excavators, loaders, graders, and other heavy earth moving equipment
Personnel Onsite	***Construction:*** 1 to 3 equipment operators and laborers ***Operation:*** 2 to 6 personnel to operate the convenience store and UST facility. The facility is required to have at least one Class C Operator on-site during open hours.
Location and Analysis Area	***Location****: 3680 E. US Hwy 12, East Helena, MT 59635* ***Legal Description: S25, T10 N, R03 W, SWNW; NWSW; LESS HWY R/W and S25, T10 N, R03 W, C.O.S. 519440, ACRES 3.001, M&B TRACT, IN SW4SW4*** ***Analysis Area****:* The area being analyzed as part of this environmental review includes the immediate project area (Figure 1 and 2), as well as neighboring lands surrounding the analysis area, as reasonably appropriate for the impacts being considered.
The applicant is required to comply with all applicable local, county, state, and federal requirements pertaining to the following resource areas.	
Air Quality	The applicant proposes to use dust suppression during construction. Once constructed, the proposed UST system would include eight vertical vent standpipes and submerged fill pipes for each tank to reduce and disperse vapors from petroleum products stored in the tanks. Stage 1 vapor recovery will be installed on all gasoline underground storage tank systems.
Water Quality	The applicant proposes to install non-corrodible and secondarily contained underground storage tanks and associated underground piping with automated tank and piping leak detection. Continuous monitoring for 0.2 gallon-per-hour leaks or spills allows the applicant

	to immediately detect a leak if it were to occur and prevent impact to surrounding resources.
Erosion Control and Sediment Transport	The applicant proposes to follow all permit stipulations under the Montana Pollutant Discharge Elimination System (MPDES) General Permit for Storm Water Discharge during construction of the UST system.
Solid Waste	The applicant proposes to provide waste cannisters during the UST system installation and during operation to collect miscellaneous solid wastes, which would be disposed of at a Montana-licensed solid waste management facility.
Hazardous Substances	The applicant proposes to store hazardous substances in original labeled containers. Fuel and lubricants for equipment would be necessary on-site during construction of the UST system. No more than 5-gallons of oil and 125-gallons of fuel would be onsite at any time during construction. A MT licensed UST system installer would perform daily inspections on heavy equipment and ensure it is in proper working condition. Contractors would be trained in hazardous substance containment and cleanup. Spill kits and absorbent pads would be available on the construction site. No hazardous waste generators are registered at the proposed UST system address. Once installed, petroleum products would be contained in secondarily contained underground storage tanks and associated underground piping with automated continuous tank and piping leak detection.
UST Installation, Operation, and Monitoring Requirements	The following compliance, testing, and inspection requirements would be followed regarding this proposed UST installation project: 1. Double-walled non-corrodible continuously monitored tanks and piping systems are required for any new UST installation project. 2. An UST installation permit is required to be issued by the DEQ UST program before installation of the regulated UST systems. 3. A DEQ UST program One Time Fill Permit is issued with the UST installation permit. The One Time Fill Permit is issued only to fill the tanks for the purpose of testing the UST systems. A One Time Fill Permit is not a permit to dispense fuel or otherwise operate the UST facility. Testing must be conducted on each tank when no less than 90 percent full. 4. The UST installation permit requires numerous tank and piping test requirements including: • 0.1 gallon per hour (gph) or 0.2 gph EPA-certified tank test conducted on the tank when at least 90 percent full,

	• a department approved 0.1 gph or 0.2 EPA-certified ullage tank test, • PEI RP 1200 functional testing of all UST system tank and piping interstitial liquid sensors, • primary pipe installation line testing, • secondary pipe installation line testing, • PEI RP 1200 Tank Monitor setup and diagnostic testing, • Tank Monitor programming requirements for tank and piping shutdown on alarms and failed tests, • Tank Monitor programming for tank and piping leak detection, hydrostatic sump test of all containment sumps (tank top sumps, transition sumps, and under-dispenser sumps), • PEI RP 1200 spill bucket tightness testing of the spill containers, • PEI RP 1200 function testing of the overfill prevention devices (automatic shutoff valve, flapper valve, outside high level overfill alarm, etc.), • certification of compliance signed by the licensed installer, • signed UST installation permit, • signed One Time Fill Permit, • and unique GPS coordinates at the fill pipe of these newly installed tanks. 5. If all installation permit requirements and testing mandates have been satisfied, a Conditional Operating Permit is issued. The Conditional Operating Permit requires an inspection to be completed by a State Licensed UST inspector between 90 and 120 days from the date of issuance. 6. DEQ must review the compliance inspection conducted by a State Licensed UST Inspector to ensure it meets the requirements of the Conditional Operating Permit. 7. If DEQ determines that the UST owner/operator meets the requirements of the Conditional Operating Permit inspection, then DEQ issues a three-year UST operating permit to the owner/operator. 8. The facility is required to perform 30-day and annual walkthrough inspections. The facility also must perform annual and triennial testing and have a third-party compliance inspection every three years. Requirements are described here: http://mtrules.org/gateway/ChapterHome.asp?Chapter=17%2E56 9. Refuse associated with the UST installation project activities would be collected, removed, and disposed of in proper disposal

	sites. 10. Disposal of water used for containment sump testing must follow all applicable regulations, including proper disposal of spent test water. 11. Requirements at ARM 17.56 subchapter 5 must be followed for release reporting, investigation, confirmation, abatement measures and corrective action. State statutory authority for corrective actions is found in the Montana Underground Storage Tank Act, 75-11-501, MCA, et seq.

Cumulative Impact Considerations	
Past Actions	The proposed project is located within the Environmental Protection Agency (EPA) East Helena Superfund Site, which was listed on the National Priority List in 1984 due to identified contamination resulting from the operation of the American Smelting and Refining Company (ASARCO) in East Helena.
Present Actions	No current FWP, DNRC, BLM, or USFS regulated projects were identified within one mile of the proposed project. Agricultural land being developed to a fuel station.
Related Future Actions	General Permit for Storm Water Discharges Associated with Construction (SWC-GP) activity is permitted under the SWC-GP authorization number MTR110081

1.4 PURPOSE, NEED, AND BENEFITS

DEQ's purpose in conducting this environmental review is to act upon East Helena 1 RE2 LLC's application for a permit to install a new UST system at Facility ID No. 00-32557 in East Helena, Montana. DEQ's action on the permit application is governed by the Underground Storage Tank Installer and Inspector Licensing and Permitting Act, Section 75-11-212, et seq, Montana Code Annotated (MCA) and the Montana Underground Storage Tank Act, Section 75-11-501, MCA et seq. and administrative rules adopted under those Acts at Administrative Rule of Montana (ARM) Title 17, chapter 56. DEQ does not approve the building permit for the convenience store, canopy, or other building structures.

The benefits of the proposed action include providing a fueling system to Lewis and Clark County, MT.

The applicant's purpose and need, as expressed to DEQ in proposing this action, is to offer a new commercial fueling system to serve the growing market in East Helena, Montana.

Figure 1: Map of general location of the proposed project

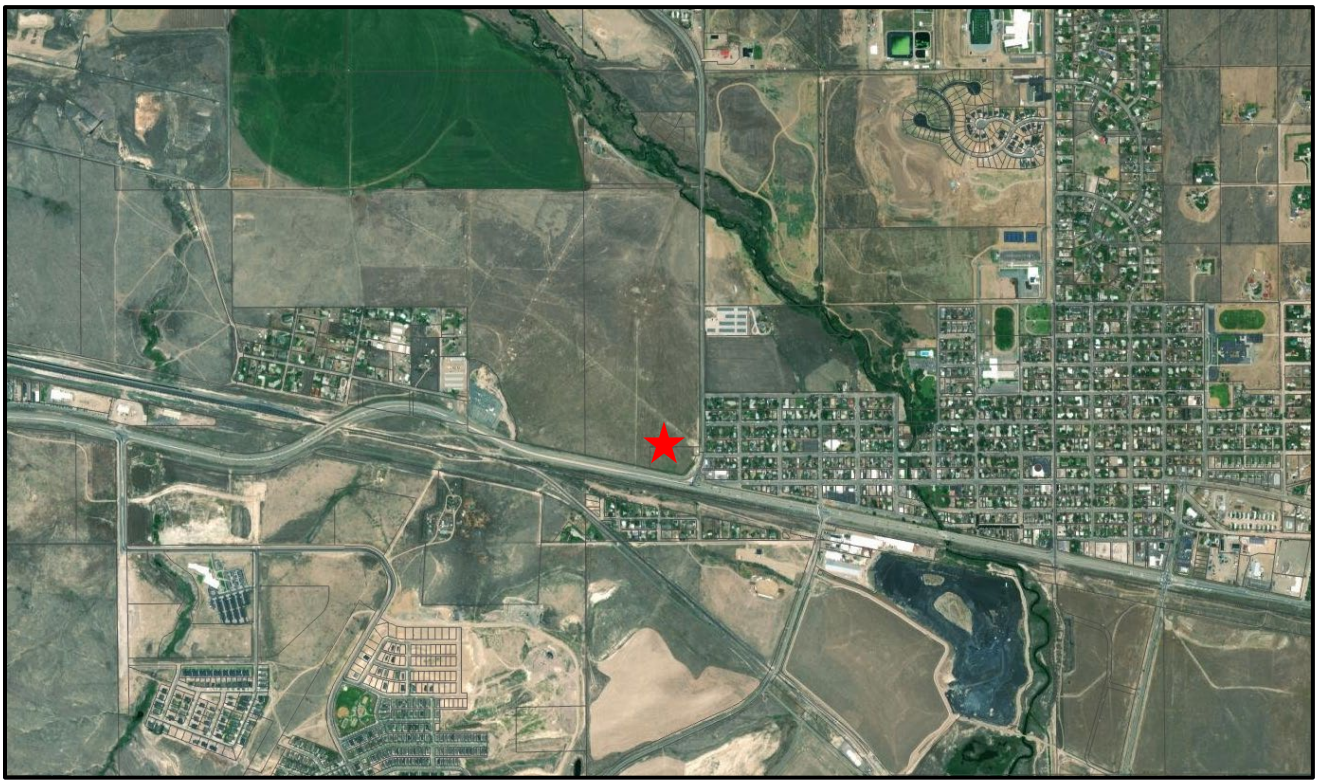
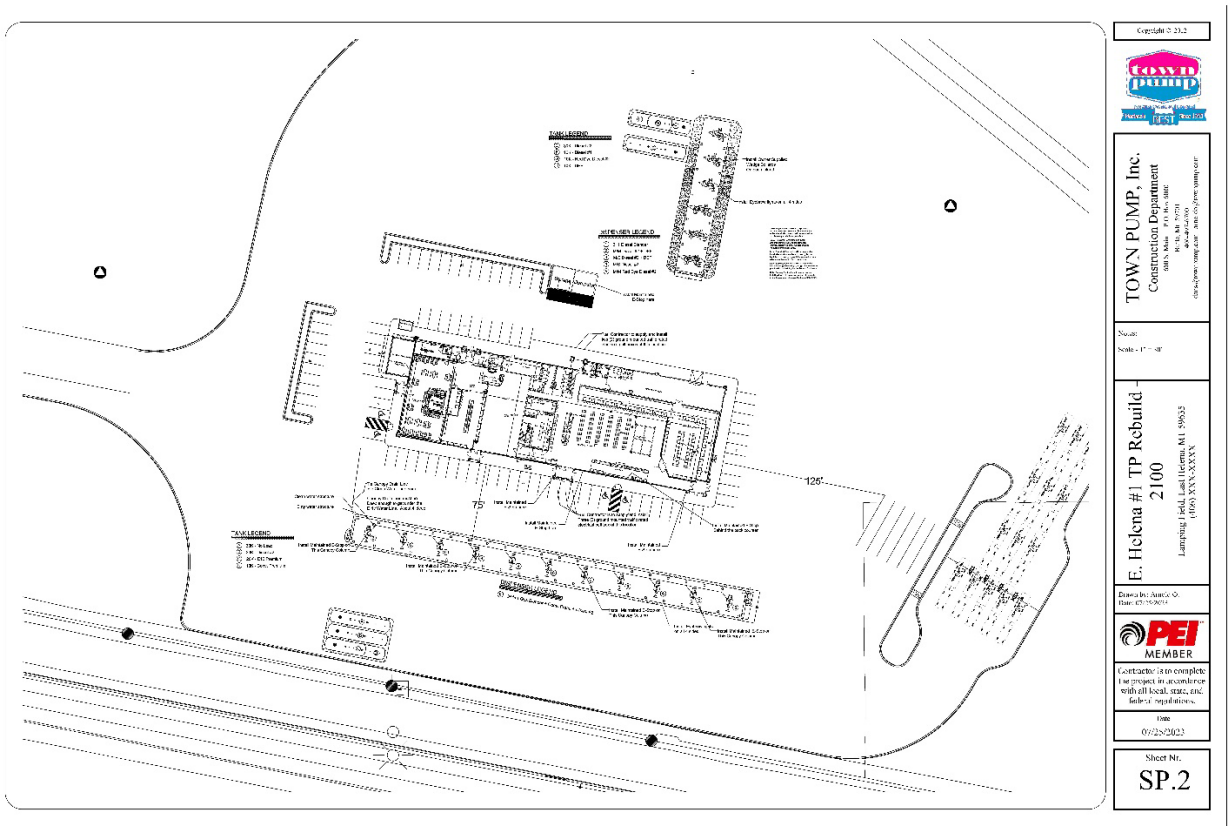


Figure 2: Vicinity Map with Site Plan

Figure 3: Site Plan



1.5 OTHER GOVERNMENTAL AGENCIES AND PROGRAMS WITH JURSIDICTION:

The proposed project would be located on private land within the Commercial Zoning District in East Helena, Montana. All applicable local, state, and federal rules must be adhered to, which may also include other local, state, federal, or tribal agency jurisdiction. Other governmental agencies which may have overlapped, or additional jurisdiction include but may not be limited to: U.S. Environmental Protection Agency (EPA), Lewis and Clark County, and the City of East Helena.

The Montana DEQ Solid Waste Section, Hazardous Materials Section, Asbestos Control Program, and the Tribal Liaison Coordinator have reviewed this EA. Their comments have been addressed in this document.

Building permits were issued to the applicant by the City of East Helena, Montana for the location: 3680 E US Highway 12, East Helena, MT 59635. The building permits include electrical, mechanical, right-of-way, plumbing, fire, and sign permits. Neither Lewis and Clark County or the City of East Helena specifically permit underground storage tanks and piping. Soil disturbances and storm water runoff during construction are regulated under the Montana Pollution Discharge Elimination System (MPDES) Authorization. A General Permit for Storm Water Discharges Associated with Construction (SWC-GP) activity is permitted under the SWC-GP authorization number MTR110081.

1.6 HISTORY OF THE SITE

The proposed project is located within the Environmental Protection Agency (EPA) East Helena Superfund Site, which was listed on the National Priority List in 1984 due to identified contamination resulting from the operation of the American Smelting and Refining Company (ASARCO) in East Helena. ASARCO began operation in 1889 and was the foundation of the East Helena economy until it's closure in 2001. Following bankruptcy in 2001, the Montana Environmental Trust Group (METG) took over the management of former ASARCO property and coordination of clean-up of historical contamination with the EPA. The City of East Helena annexed large areas of the former ASARCO property in 2009, resulting in a total expansion of 2,025 acres. The proposed project is located on a 2-parcel property (280 acres) known as Lamping Field, which was part of the ASARCO annexation, and was purchased from METG by Town Pump in 2018.

Lamping Field is included in the September 2009 East Helena Superfund Site Record of Decision (ROD) as an undeveloped land. The ROD states undeveloped land will be evaluated when change in land use is proposed and cleaned up to appropriate levels for the proposed use. Wind-blown dust from the smelter from ore storage, the slag pile, and stack emissions is believed to be the cause of surface soil contamination on the site. Primary contaminates of concern for this site are heavy metals (lead and arsenic) in the soil. There is also a ground water selenium plume that travels Northwest from the former smelter site, directly under the proposed project area. Wilson Ditch historically transported irrigation water from Upper Lake, as well as stormwater runoff from the smelter ore storage areas, transporting sediment containing heavy metals from the smelter site to Lamping Field, the proposed project area. The field has historically been used primarily as grazing land for cattle. Historical aerial photos indicate portions of the property were irrigated between 1947 and 1992. ASARCO purchased the property from the previous owner in the late 1980s.

The EPA determined human health risk-based concentrations (RBC) for arsenic in soil for residential, commercial, and recreational uses are 176 ppm, 572 ppm, and 794 ppm respectively. The EPA has determined this is an acceptable level of arsenic in soil, based on a risk-based calculation with the proposed use of the property. The EPA cleanup action level for arsenic in residential areas is 100 ppm, lower than EPA's residential RBC for the site, however, cleanup levels for commercial workers and recreational visitors are equal to the RBC.

The commercial and recreational risk-based concentrations that EPA determined are acceptable for lead in soil are 1,482 ppm and 3,245 ppm respectively. The cleanup level for commercial workers and recreational visitors is equal to the EPA RBC levels. The EPA RBC for lead at the East Helena Superfund site is defined as the concentration in soil that yields a 95^{th} percentile blood lead value of 10ug/dl in a fetus.

According to EPA's September 2009 ROD, remediation goals include ensuring that the soil concentrations do not exceed 500 ppm for lead and 100 ppm for arsenic for undeveloped areas proposed for residential development in the future. The Lewis and Clark County Soil Ordinance applies to future development in areas where metal concentrations are known to or are likely to exceed future use cleanup levels.

The Soil Remediation Work Plan (Big Sky Civil & Environmental, 2023a) prepared for the East Helena #1 Town Pump property and approved by EPA outlines the plan for addressing requirements in the soil ordinance and ensuring that surface soil lead and arsenic concentrations do not exceed the cleanup levels allowed for commercial development of the property. The work plan states that the general contractor for Town Pump will clear the top 6 to 8 inches of native vegetation and soil before beginning work at the site. These soils will be disposed of at the designated EPA approved Repository. Remaining surface soil will then be sampled and analyzed for Resource Conservation and Recovery Act Metals via EPA Method 3050 to ensure the EPA commercial cleanup levels of 1,482 mg/kg for lead in soil and 572 mg/kg for arsenic

in soil are achieved. If the cleanup levels are not achieved, further excavation, removal and disposal of soil will be reviewed and discussed with EPA.

A permit from the Lead Education and Assistance Program under the Lewis and Clark City-County Board of Health was obtained prior to displacing soils at the property. The 2020 Regulations Governing Soil Displacement and Disposal in the East Helena Superfund Area requires a permit to displace soil in excess of one cubic yard within the boundary of the superfund site that have not yet been cleaned up to the appropriate level for the proposed use.

Environmental remediation activities for the site were conducted in accordance with the Soil Remediation Work Plan dated March 15, 2023. The site was divided into a 13 section (approximately 200 feet x 200 feet) grid, and the top approximate 6 to 12 inches of soil and vegetation were removed. Composite soil samples were collected from the removed soil and vegetation stockpile for each section and submitted to the lab for RCRA Metals analysis (with the exception of sample grid 3). All soil sample results returned concentrations of lead and arsenic below the EPA RBC level for commercial use and no further corrective action was necessary (Big Sky Civil & Environmental, 2023b).

2. AFFECTED ENVIRONMENT AND IMPACT BY RESOURCE

2.1 EVALUATION AND SUMMARY OF POTENTIAL IMPACTS

The impact analysis will identify and evaluate direct and secondary impacts TO THE PHYSICAL ENVIRONMENT AND HUMAN POPULATION IN THE AREA TO BE AFFECTED BY THE PROPOSED PROJECT. *Direct impacts* occur at the same time and place as the action that causes the impact. *Secondary impacts* are a further impact to the human environment that may be stimulated, induced by, or otherwise result from a direct impact of the action. (ARM 17.4.603(18)) Where impacts would occur, the impacts will be described in this analysis.

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 and present actions related to the Proposed Action by location and generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures.

The duration is quantified as follows:

- **Short-term**: Short-term impacts are defined as those impacts that would not last longer than the installation of the USTs and operation of the UST Facility.

- **Long-term**: Long-term impacts are impacts that would remain or occur following tank closure and removal.

The intensity of the impacts is measured using the following:

- **No impact**: There would be no change from current conditions.

- **Negligible**: An adverse or beneficial effect would occur but would be at the lowest levels of detection.

- **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.

a. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE

Are soils present which are fragile, erosive, susceptible to compaction, or unstable? Are there unusual or unstable geologic features? Are there special reclamation considerations?

Montana Bureau of Mines and Geology Geologic map of the Canyon Ferry Dam Quadrangle indicates the area is primarily alluvium and colluvium, which consists of loose unconsolidated sediments ranging from silt to rock fragments of various sizes deposited by running water. Bald Butte Fault runs northwest to southeast south of Highway 12 approximately 2 miles from the

project area. There are no known fragile or unstable soils identified in the project site by the reviewer. There are no special reclamation considerations in the project area.

The USDA Natural Resources Conservation Service Soil Survey Geographic Database (SSURGO) indicates that the soil types present in the proposed project area are Sappington-Amesha loams with a 1 to 4 percent slope. These soil types consist mainly of silt loam and silty clay loam and are stable soils for construction suitable for the proposed project. Add text.

Historic smelting operations near the project site resulted in elevated concentrations of lead and arsenic in surface soil at the project site. The area proposed for development is part of the East Helena Superfund Site. The EPA has established clean up levels for lead and arsenic for lands proposed for commercial use. According to the East Helena Superfund Site Record of Decision (USEPA, 2009) "When areas (within the Superfund Site) are developed for residential, commercial, or recreational uses, institutional controls will be extended to these areas […] including requirements for the handling and disposal of contaminated soils." The Lewis and Clark City-County Board of Health Department Regulations Governing Soil Displacement and Disposal in the East Helena Superfund Area (2020) implements the institutional controls in place to protect public health and control environmental lead and arsenic contamination within the boundary of the Superfund Site.

Direct Impacts

No unusual or unstable geologic features are present, and no fragile or particularly erosive or unstable soils are present. All topsoil would be removed from the site during the construction phase of this project. Erosion control and other limits and conditions would be accomplished using a variety of Best Management Practices (BMP) including straw berms or straw bales placed at all areas of potential runoff from operations to mitigate impacts to surface water quality from stormwater discharges associated with construction of the facility. USTs would be installed at a depth of 15 feet below ground surface. During installation, impacts to the geology, soil quality, stability and moisture would be short-term and negligible. After construction has been completed, the entire area would be paved with concrete pads where necessary for traffic. Under ARM 17.56. subchapter 5, UST owners and operators are required to immediately report and clean up any surface spills. Direct impacts to geology and soil quality, stability and moisture would be long term and minor.

Secondary Impacts

No secondary impacts to the geology and soil quality, stability and moisture would be expected.

Cumulative Impacts

Soil disturbance associated with construction of this proposed project is approximately 4,800 square feet of land disturbed for the 2 UST basins (tank basin #1: 60' x 40' x 15' and tank basin #2: 60' x 40' x 15'). The General Permit for Storm Water Discharges Associated with Construction (SWC-GP) activity is permitted under the SWC-GP authorization number MTR110081. Permit requirements mitigate impacts to soil quality, stability, and moisture; however, installation of USTs would displace approximately 1.7 acres of native soil, altering the characteristics of the tank basin area. Cumulative impacts to the geology and soil quality, stability and moisture would be long term and minor.

b. WATER QUALITY, QUANTITY, AND DISTRIBUTION

Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels or degradation of water quality?

The project area receives an average of 11.22 inches of precipitation annually according to NOAA National Centers for Environmental Information. The project area lies within the Lake Helena watershed. The proposed UST site is approximately 0.27 miles southwest of the high-water mark of Prickly Pear Creek which flows north approximately six miles into Lake Helena.

There are 16 wells within 1,000 feet of the proposed site, four are domestic water sources, nine are monitoring wells, and three are abandoned. For the project area, approximate depth to groundwater is between 23-35 feet (GWIC). The nearest well used for public supply or domestic supply is approximately 820 feet cross-gradient (East) from the proposed tank installation area. The nearest well down gradient (Northeast) used for domestic supply is approximately 0.23 mile from the proposed tank installation area.

The project area is part of the Department of Natural Resources and Conservation (DNRC) East Valley Controlled Groundwater Area, an area of approximately 1,924 acres in and around East Helena. This closure was designated in response to concerns over water quality as a result of the lead and zinc smelter facility, American Smelting and Refining Company (ASARCO), that operated in East Helena from 1888 to 2001. The project area is in the controlled groundwater area Zone 1, which limits groundwater developments or changes to existing groundwater appropriations (DNRC, 2016).

Prickly Pear Creek is included on the state of Montana 303(d) list of impaired waters. The proposed project lies downstream of ASARCO and is flanked by the segment of Prickly Pear Creek which was listed as impaired because of metals and siltation. Analyses determined that arsenic, cadmium, lead, zinc, and sediment are impairing aquatic life, fishery, and drinking water beneficial uses (USEPA, 2006).

According to public meeting presentations by the Montana Environmental Trust Group and USEPA, among others, in December of 2020 and December of 2022, there are groundwater selenium and arsenic plumes extending from the former smelter area, southeast across Hwy 12, following the direction of groundwater flow to the northeast and directly underneath the proposed action site. Corrective measures including preventing further contact between water and contaminated soil and slag, semi-annual surface water and groundwater monitoring, city well restrictions, deed restrictions, private well abandonment, removal of contaminated soil, and management of hazardous waste, have been initiated and proven effective.

Direct Impacts

The use of secondarily contained, non-corroding underground tanks and piping and continuous system monitoring would protect ambient water quality, drinking water quality and use, and prevent degradation of surface and ground water quality. Proper operation of this system would decrease the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, and the degradation of water quality. Secondary containment and leak detection systems serve to mitigate the potential impacts by immediately reducing the amount

of fuel available for release to the environment and by making early detection of releases possible. The proposed UST systems must meet State installation standards and Montana DEQ UST program construction permit requirements and conditions. Adherence to State installation standards and permit requirements and conditions ensure that proper technology is implemented for cathodic, spill, and overfill protection.

Tank leak detection equipment would be installed at the facility. The facility would utilize tank interstitial monitoring sensors. Additional piping leak detection equipment would also be utilized, and liquid sensors would be placed in the tank top and transition sumps. If a leak occurred, the fuel pumping system would automatically shut down and could not be energized again until the source of the leak is identified and addressed. Further, leak detection systems must meet leak rate detection standards of a probability of detection of 0.95 and a probability of false alarm of 0.05. Finally, these systems are designed and programmed to immediately shut down if a leak as small as 0.2 gallons per hour is detected.

The applicant would install an overfill prevention valve for overfill prevention on the tank systems and use secondary containment sumps. A single-wall round tank top sump would be installed around the piping accesses to the tank. Sump boots, which provide a seal around each piping and conduit penetration to the sump, would be compatible with the piping and installed at each sump penetration. All sumps would be hydrostatically tested (filling it with water and pressurizing it to test for strength and leaks) according to the specific installation conditions.

Mitigation and monitoring plans reduce the likelihood of a petroleum fuel product release to the environment. The UST facility is required to have trained Class A, B, and C Operators. The facility must perform monthly and annual walkthrough inspections to prevent and quickly detect releases. The facility would be required to perform yearly tests of primary release detection equipment, and triennially test spill buckets and overfill prevention equipment. In addition, the facility must have a compliance inspection by a third-party licensed UST inspector every three years.

Should a release occur, mitigation and monitoring plans also reduce the amount of product released to the environment. Immediate reporting and containment of any spills or overfills is required and would reduce surface and groundwater impacts. Direct impacts to surface or ground water are not expected. However, should a release occur, and it is not properly contained, the impacts could be long term and minor.

Direct impacts to surface and/or ground water are not expected. If a release of petroleum fuel occurred from the underground tank and piping system, it would enter the tank basin. The tank basin would be 15 feet below ground surface, including bedding, tank, and backfill. The soil type at the project site is Sappington-Amesha loams (SSURGO). The Sappington-Amesha loams consist primarily of loam with some clay loam and gravelly sandy loam and are well drained. These soils have a moderate to high available water capacity and moderately high to high permeability. The rate of petroleum movement through the soil column depends on the magnitude of the release and soil composition in the specific area, as well as other factors.

In the event of a release an environmental consultant would perform a full environmental investigation to determine impact. Investigation would include soil borings, groundwater sampling, hydrography analysis, surface water and vegetation analysis, wetland survey, and analysis of other impacted media as determined by DEQ and recommended based on potential

human and environmental receptors and other factors at the time of the release. Depending upon the quantity of a release, how quickly a response is mobilized, and methods used for containment, petroleum product could move into native soil and potentially reach groundwater. Direct impacts could be groundwater contamination above DEQ-7 groundwater standards and department screening levels, resulting in a department tracked "release". If a release is confirmed, DEQ would require remediation to below department standards and health-based screening levels. Should a release occur, and it is not properly contained, the impacts could be long term and minor to moderate.

Secondary Impacts

No secondary impacts to water quality, quantity and distribution would be expected. However, should a release of petroleum product occur, and it is not properly contained, it could secondarily impact the nearby domestic and monitoring water wells, and Prickly Pear Creek approximately 0.27 mile from the site, which could potentially impact downstream aquatic life. Impacts associated with a release of petroleum depend upon several environmental factors (such as precipitation and soil type), the amount of petroleum released and the mobilization of immediate and effective cleanup efforts. Should a release occur, depending on these various factors, impacts could be moderate and long term.

Cumulative Impacts

No cumulative impacts to water quality, quantity and distribution would be expected. However, should a release of petroleum fuel product occur, and it is not properly contained, it could impact water quality. These impacts could be long term and minor to moderate, and cumulative due to preexisting groundwater selenium and arsenic that extends from the former smelter area and preexisting surface water arsenic, cadmium, lead, zinc and sediment.

c. AIR QUALITY

Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?

Installation of an UST system may produce airborne dust. A Dust Control Plan is in effect per the Soil Remediation Work Plan, and requires reduced speeds (10 mph maximum), application of water or other dust suppressants during earthmoving, and limiting work activities during high wind conditions. Once the UST system is installed, petroleum vapors are produced by petroleum held within the tanks. Stage I vapor recovery systems would be installed on all USTs to collect vapor from the tank systems. The proposed project site is not located in a Class I Airshed according to EPA's AirData Air Quality GIS. The closest Class I Airshed is the Gates of the Mountains Wilderness which is located approximately 16 miles north of the project site.

Direct Impacts

During construction of the UST installation project, dust particulate may become airborne. However, the applicant would be required to comply with industry standard Best Management Practices for dust control. These BMP's would include using water, encapsulates, or other dust suppressants to keep soil moist during earthmoving activities, controlling vehicle and equipment speeds to less than 10 mph, and curtailing work during high wind conditions. Impacts to air quality during the UST installation project, would be short-term and negligible.

During operation of the UST system, natural air currents and tank vents would dissipate hydrocarbon vapors to a safe level. Petroleum vapors would be mitigated by natural air currents, submerged fill pipes, and properly designed vent pipes to control hydrocarbon vapors from the UST system. Stage I vapor recovery systems will be installed on all USTs to collect vapor from the tank systems during fuel deliveries. Impacts to air quality would be long-term and negligible.

Secondary Impacts

In the event of an uncontrolled petroleum release from the UST system, a subsurface plume of a volatile petroleum product, such as gasoline, would produce petroleum hydrocarbon vapors which can migrate into structures downgradient and above the contaminate plume. Vapors emanating from petroleum contaminated soil or groundwater that enter buildings may result in indoor air concentrations that pose a risk to building occupants. Should a substantial release occur, vapor impacts in structures above a plume could be moderate and long term.

Cumulative Impacts

No cumulative impacts to air quality would be expected.

d. VEGETATION COVER, QUANTITY AND QUALITY

Will vegetative communities be significantly impacted? Are any rare plants or cover types of present?

The location of the proposed project is currently characterized as Rocky Mountain lower montane foothill and valley grassland (Montana Natural Heritage Program). Lower montane grassland is characterized by cool-season perennial bunch grasses and fobs with a sparse shrub cover. Natural vegetation in the project site typically contains grasses including Rough Fescue and Idaho Fescue, Bluebunch wheatgrass, and Western wheatgrass. The Lesser Rushy Milkvetch, a herbaceous perennial, is a species of concern and has been observed near the proposed project site. The distribution of Lesser Rushy Milkvetch is limited to the Helena Valley vicinity and in extreme southwest Montana. The site has been grazed in the past.

Proposed development includes access roads, a new building, pavement, concrete pads, and an UST system. The location currently is bordered to the East and West by commercial and residential properties, to the North by agricultural property, and to the south by Highway 12 and the Montana Railway, and industrial use property beyond.

Direct Impacts

All native vegetation has been removed from the project area for the construction of a commercial property and much of the site is to be paved after completion. Due to the size of the project area impacts to vegetative cover, quantity or quality resulting from this project would be long-term and negligible. All development would be in accordance with the City of East Helena land use permit and applicable zoning regulations.

Secondary Impacts

No secondary impacts to vegetation cover, quantity and quality would be expected.

Cumulative Impacts

Cumulative impacts to vegetation cover quantity and quality would not be expected. However,

should a reportable release amount of petroleum fuel product occur, and it is not properly contained, it could impact vegetative communities. These impacts could be long term and minor and cumulative due to preexisting surface soil contamination of lead and arsenic.

e. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS

Is there substantial use of the area by important wildlife, birds or fish? Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern? Impacts related to the Montana Sage Grouse Executive Order?

The location of the proposed project is currently characterized as Rocky Mountain lower montane foothill and valley grassland. Lower montane grassland is characterized by cool-season perennial bunch grasses and fobs with a sparse shrub cover (MTNHP). The project site is not within a Core Area for sage grouse habitat as designated by the Montana Sage Grouse Habitat Conservation Program.

There are no endangered species and two species listed as threatened in Lewis and Clark County: the Canada Lynx and Grizzly Bear. However, no Canada Lynx or Grizzly Bear have been documented in the project area. Due to the surrounding residential and commercial developments in the vicinity of the project the site does not provide suitable habitat for this type of wildlife. Montana mammal, bird, and insect Species of Concern that are considered to be "at risk" due to declining population trends, threats to their habitats and/or restricted distribution known to occur in the project area are: Long-billed Curlew, Hoary Bat, Spotted Bat, Suckley Cuckoo Bumble Bee, Veery, Great Blue Heron, Lewis's Woodpecker, Sprague's Pipit, Evening Grosbeak, Green-tailed Towhee, Bobolink, Grey-crowned Rosy-Finch, and the Flammulated Owl (MTNHP)

According to the United States Fish and Wildlife Service (USFWS) Threatened and Endangered Species Critical Habitat Report, June 2023, the border of defined critical habitat for the Canada Lynx is approximately 12 miles west of the project site in the foothills of the Rocky Mountains. The USFWS indicates that the Rufa Red Knot (shorebird) is known to occur in several areas in Montana. This species is listed as threatened under the Endangered Species Act. However, there is no critical habitat for this species in Montana.

According to the USFWS National Wetlands Inventory there is a forested riparian area adjacent to Prickly Pear Creek approximately 0.3 mile Northeast of the proposed project area. The proposed project area is not within the floodplain of the Prickly Pear Creek and does not contain wetlands. A fish consumption advisory is issued for Prickly Pear Creek downstream of ASARCO due to contaminates arsenic and mercury originating at the former smelter. Documented fish species in Prickly Pear Creek are Brook Trout, Brown Trout, Longnose Dace, Longnose Sucker, Mottled Sculpin, Rainbow Trout, Walleye, White Sucker, and Westslope Cutthroat Trout (MTFWP).

Direct Impacts

This Proposed Action would be on private property within the city limits of East Helena, Montana. The area has historically been used for agricultural, including crop production and cattle grazing. It was purchased by ASARCO in the late 1980s. The land was purchased by Town Pump in 2018. The land is currently zoned as commercial-mixed use by the City of East Helena. There is no known substantial use of this area by important wildlife, bird, or fish. No impacts to important terrestrial, avian and aquatic life and habitats are expected.

Secondary Impacts

No secondary impacts to terrestrial, avian, and aquatic life and habitats stimulated or induced by the direct impacts analyzed above would be expected. However, in the water quality section of this environmental assessment, it was identified that secondary impacts from a petroleum fuel release that is not properly contained could impact downstream aquatic life. This potential impact would be minor due to the project site distance from the creak and the required spill and leak prevention measures the UST system must have in place. Mitigation and monitoring plans reduce the likelihood of a petroleum fuel product release to the environment. Should a release occur, mitigation and monitoring plans also reduce the amount of product released to the environment. Immediate reporting and containment of any spills or overfills is required and would reduce surface and groundwater impacts. Direct impacts to surface and/or ground water are not expected. However, should a release occur, and it is not properly contained, the impacts could be long term and minor.

Cumulative Impacts

No cumulative impacts to terrestrial, avian, and aquatic life and habitats stimulated or induced by the direct impacts analyzed above would be expected. However, should detection and containment systems fail and a large release occur that impacts surface water, preexisting surface water arsenic, cadmium, lead, zinc, and sediment could add to the effects, resulting in cumulative effects on aquatic life, aquatic-dependent wildlife and wildlife that uses Prickly Pear Creek as drinking water.

f. HISTORY, CULTURE AND ARCHEOLOGICAL UNIQUENESS

Are there any historical, archaeological or paleontological resources present? Will the action cause a shift in some unique quality of the area?

The State Historic Preservation Office (SHPO) was consulted and conducted an archeological resource file search for Section 25, Township 10 North, Range 3 West. The report results identified five previous cultural resource inventories done in the area and 12 recorded sites within the designated search locale. Historic sites include a historic bridge, a historic homestead, a historic railroad, a historic church, and a historic irrigation system.

It is SHPO's position that any structure over fifty years of age is considered historic and is potentially eligible for listing on the National Register of Historic Places. If any structures are within the area of potential effect, and are over fifty years old, SHPO recommends that they be recorded, and a determination of their eligibility be made prior to any disturbance taking place. As long as there would be no disturbance or alteration to structures over fifty years of age, SHPO determined that there is a low likelihood that cultural properties would be impacted and a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials were to be inadvertently discovered during this project, SHPO and DEQ are to be contacted, and the site investigated.

Direct Impacts

There are no known historical, archaeological, or paleontological resources present within the project area. There is a low potential for intact buried deposits. No direct impacts to historical and archaeological sites are expected.

Secondary Impacts
No secondary impacts to historical and archaeological sites are expected.

Cumulative Impacts
No cumulative impacts to historical and archaeological sites are expected.

g. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY
Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project?

There are no other nearby activities identified near the project area that may be unduly impacted. The neighboring land uses are mixed commercial and agricultural with residential properties located within one mile of the project.

Direct Impacts
The UST would be installed on existing private land zoned for commercial use by the City of East Helena. This UST installation project would not otherwise use existing environmental resources of land, water, air, or energy. This project would permit the installation of an UST system with a permitted convenience store. This UST installation project would not otherwise use existing environmental resources of land, water, air, or energy. No impacts to environmental resources of land, water, air, or energy are expected.

Secondary Impacts
No secondary impacts to environmental resources of land, water, air, or energy would be expected.

Cumulative Impacts
No cumulative impacts to environmental resources of land, water, air, or energy would be expected.

h. HUMAN HEALTH AND SAFETY
Will this project add to health and safety risks in the area?

The site has been impacted by former smelting operations by ASARCO, which operated from 1889 through 2001 causing windblown and waterborne deposition of lead and arsenic on the surface soil. Construction activities could expose employees to lead and arsenic in the soil and dust. Remedial activities were completed in accordance with the Soil Remediation Work Plan (Big Sky Civil & Environmental, 2023a) approved by the EPA. Soil displacement activities associated with tank installation must be done in accordance with the 2020 Lewis and Clark County Soil Displacement and Disposal Regulations in the East Helena Superfund Area as administered by the Lead Education and Abatement Program (LEAP) of the Environmental Services Division of the Lewis and Clark City-County Health Department. The top 6 to 12 inches of surface soil and vegetation within the remediation area were removed, and composite soil samples of the removed soil were analyzed for lead and arsenic. Results indicated lead and soil concentration in soil samples were below the RBCs for commercial use (Big Sky Civil & Environmental, 2023b).

Employers are required to protect workers from lead exposure under the Occupational Safety and Health Administration (OSHA) lead standards covering construction. The permissible exposure limit (PEL) is 50 µg/m^3 of lead over an eight-hour time weighted average for all employees. Construction workers are exposed to lead primarily through inhalation of lead-containing dust and accidental ingestion from eating, drinking, and smoking via contaminated hands, clothing, or other surfaces.

The applicant is required to adhere to all applicable state and federal safety laws. Few, if any, members of the public would be in immediate proximity to the project during construction or operations.

Direct Impacts

Once installed, the UST facility can produce vapors that pose a risk to human health and safety from the stored petroleum products. Required vents and procedures for dissipating or collecting vapors will be enforced to ensure public exposure to hydrocarbon vapors is minimal. Monitoring equipment would be installed to detect and contain any potential leaks in components of the UST system before serious environmental, health or safety problems occur. Continuous monitoring of interstitial space of tanks and piping between the inner and outer walls of product-containing systems is required by law. Ambient water quality standards, drinking water maximum contaminant levels, and degradation of water quality would be protected by secondarily contained non-corroding underground tanks and piping with continuous system monitoring. The risk of a petroleum release into the environment is reduced by frequent inspection, maintenance, and operation of the installed leak detection systems and compliance with DEQ requirements.

Impacts to human health and safety are mitigated by the early detection of releases and immediate reduction of the amount of fuel available to be released into the environment.
Due to the regulations in place to prevent and stop releases to the environment, impacts to human health and safety would be short-term and minor.

Secondary Impacts

No secondary impacts to human health and safety are expected as a result of the proposed project.

Cumulative Impacts

No cumulative impacts to human health and safety would be expected. However, should a release of petroleum fuel product occur, and it is not properly contained, it could cumulatively impact human health and safety. These impacts could be long term and minor to moderate.

i. SOCIOECONOMICS

Will the project add to or alter industrial or agricultural activities? Will the project create, move or eliminate jobs? Will the project create or eliminate tax revenue? Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed? Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect? Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract? Will the project add to the population and require additional housing? Is some disruption of native or traditional lifestyles or communities possible?

This project would occur on private land within the City of East Helena and is subject to any plans or rules set forth by the City and Lewis and Clark County. The project would alter historically agricultural

land and change it to commercial use. Historically the land has been used for cattle grazing, however, it is currently zoned for commercial use. The 2021 City of East Helena Growth Policy Update is in effect for the project area.

Economic impacts include creation of jobs during the construction phase of the proposed project, as well as for the lifetime of the UST system. At least one Class A, Class B, and Class C Operator are necessary to operate the UST system, in addition to independent contractors to inspect and repair the system over the lifetime of the facility. According to the City of East Helena Growth Policy (2021) It is estimated that up to 93% of the East Helena labor force is employed outside the city – the majority commute to jobs in Helena.

The UST system installation project is anticipated to generate additional local and state tax revenue due to the associated sales of fuel. The development of this property into commercial use does impact the property value and is expected to increase tax revenue accordingly.

The population of East Helena has grown in recent years, with a current population of 1,944 (US Census 2020). The development of this property and installation of UST system, is not expected to affect the population or require additional housing.

It is not anticipated that this project would disrupt native or traditional lifestyles or communities.

Direct Impacts

Due to development of agricultural land, and the change of zoning there would be impacts to agricultural activities and production. The development is indicative of population growth and economic drivers of commercial and residential development of rural agricultural areas. The existing agricultural character of the location and surrounding areas are changing from agricultural to commercial and residential in character. Increased turning traffic, including trucks and trailers, at the intersection of Wylie Drive and Highway 12, as well as at other access points along Wylie Drive and Hwy 12, would be expected during installation of the UST system.

Secondary Impacts

Potential secondary impacts include further development of commercial, industrial, and residential property due to proximity to a fueling station, thus reducing agricultural use land and increasing urban use land overall in the surrounding area.

Secondary impacts to quantity and distribution of employment are expected to be long-term and minor. Additional work may be generated if the UST system needs repairs or modifications. Secondary impacts to quantity and distribution of employment would be long-term and negligible.

Cumulative Impacts

Cumulative impacts to industrial, commercial, and agricultural activities and production would be long term and minor. Development of agricultural land for commercial, industrial, and residential purposes as populations increase have cumulative impacts on agricultural activities and production by removing land once available for crop production.

The City of East Helena growth plan states that assuming the population growth continues at 0.66% annually, the population will reach 2,261 by the year 2030. However, with the annexation

of ASARCO properties in 2010, more land is available for housing development within city limits, which is predicted to boost the population of East Helena to 2,742 by 2027. Businesses in East Helena also serve the population of the Montana capital City of Helena, as well as visitors passing through, which have both increased steadily in recent years.

No cumulative impacts to local and state tax base and tax revenues are expected from the UST installation but would however generate fuel tax revenue once the UST's are in operation.

j. PRIVATE PROPERTY IMPACTS

Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category). If not, no further analysis is required. Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required. Does the agency have Legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternative.

The proposed project would take place on private land owned by the applicant. DEQ's approval of the UST installation permit may affect the use of real property by the applicant and by nearby private landowners. DEQ has determined, however, that the permit conditions are reasonably necessary to ensure compliance with applicable requirements under the Montana Underground Storage Tank Act, which would minimize risk of petroleum impacts on neighboring properties, and compliance with UST requirements has been agreed to by the applicant. Therefore, DEQ's approval of the proposed action would not have private property-taking or damaging implications.

Direct Impacts:

The proposed project would occur on land owned by the permitted development company. No direct impacts of private property are expected to occur as a direct result of the proposed project.

Secondary Impacts:

Secondary impacts to property would not be expected as a result of the proposed project.

Cumulative Impacts:

No cumulative impacts to private property are expected as a result of the proposed project.

4. DESCRIPTION OF ALTERNATIVES

4.1 ADDITIONAL ALTERNATIVES CONSIDERED

No Action Alternative: In addition to the proposed action, DEQ must also considered a "no action" alternative. The "no action" alternative would deny the approval of the permit to install a new UST system at Facility ID No. 00-32557 in East Helena, Montana. The applicant would lack the authority to conduct the proposed activity. Any potential impacts that would result from the proposed action would not occur. The no action alternative forms the baseline from which the impacts of the proposed action can be measured.

If the applicant demonstrates compliance with all applicable rules and regulations required for approval, the “no action” alternative would not be appropriate.

Other Reasonable Alternative(s): Describe any other alternatives that were considered.

4.2 CONSULTATION

DEQ engaged in internal and external efforts to identify substantive issues and/or concerns related to the proposed project. Internal scoping consisted of internal review of the environmental assessment document by DEQ staff. External scoping efforts also included queries to the following websites/databases/personnel:

- Montana State Historic Preservation Office
- Lewis and Clark County, Montana
- City of East Helena
- Montana Environmental Trust Group, LLC
- Montana Sage Grouse Habitat Conservation Program
- Montana Fish, Wildlife, and Parks
- Montana Department of Environmental Quality
- US Geological Society - Stream Stats
- Montana Natural Heritage Program
- Montana Cadastral Mapping Program
- Montana Groundwater Information Center
- Montana Bureau of Mines and Geology
- United States Environmental Protection Agency
- United States Department of Fish and Wildlife Service
- United States Natural Resources Conservation Service
- Google Maps and Google Earth

4.3 NEED FOR FURTHER ANALYSIS AND SIGNIFICANCE OF POTENTIAL IMPACTS

When determining whether the preparation of an environmental impact statement is needed, DEQ is required to consider the seven significance criteria set forth in ARM 17.4.608, which are as follows:

- The severity, duration, geographic extent, and frequency of the occurrence of the impact;
- The probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur;
- Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts – identify the parameters of the proposed action;
- The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values;
- The importance to the state and to society of each environmental resource or value that would be affected.
- Any precedent that would be set as a result of an impact of the proposed action that would commit DEQ to future actions with significant impacts or a decision in principle about such future actions; and

- Potential conflict with local, state, or federal laws, requirements, or formal plans.

5. PUBLIC INVOLVEMENT

DEQ published a Draft EA on Montana DEQ's website with a 10-day public comment period. A copy of this Environmental Assessment has been posted on our website at Public Participation & Engagement at Montana DEQ, MEPA Documents at Montana DEQ, and Open Public Comment Periods at Montana DEQ. The public was invited to provide public comment on the Draft EA. No public comments were received.

6. CONCLUSIONS AND FINDINGS

The severity, duration, geographic extent, and frequency of the occurrence of the impacts associated with the proposed state action would be limited. Town Pump Inc. is proposing to install a UST system at a new Town Pump location in East Helena, Montana.

DEQ has not identified any significant impacts associated with the proposed installation and operation for any environmental resource. Approving the permit for the Town Pump Inc. UST installation and operation does not set precedent that commits DEQ to future actions with significant impacts or a decision in principle about such future actions. If the applicant submits another license application, DEQ is not committed to issue those authorizations. DEQ would conduct another environmental review for any subsequent authorizations sought by the applicant. DEQ would then decide based on the criteria set forth in the Underground Storage Tank Installer and Inspector Licensing and Permitting Act, Section 75-11-212, et seq, Montana Code Annotated (MCA) and the Montana Underground Storage Tank Act, Section 75-11-501, MCA et seq. and administrative rules adopted under those Acts at Administrative Rule of Montana (ARM) Title 17, chapter 56.

Approving permit number 24-0014 and issuing an operating permit allowing installation and operation of the underground storage tanks at UST Facility number 00-32557 does not set a precedent for DEQ's review of other applications, including the level of environmental review. The level of environmental review decision is made based on a case-specific consideration of the criteria set forth in ARM 17.4.608.

The proposed state action presents additional growth-inducing infrastructure to the already urban geographic location. Based on a consideration of the criteria set forth in ARM 17.4.608, the proposed state action is not predicted to significantly impact the quality of the human environment. Therefore, currently, preparation of an environmental assessment is determined to be the appropriate level of environmental review under the Montana Environmental Protection Act.

Recommendation for Further Environmental Analysis: [ ] EIS [ ] More Detailed EA [X] No Further Analysis

Environmental Assessment and Significance Determination Prepared By:

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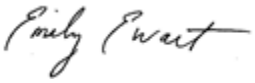
Tanks, Brownfields, and Federal Facilities Bureau

Approved By:

SIGNATURE  Date 10/2/2023

Emily Ewart, Underground Storage Tank Section Supervisor
Department of Environmental Quality

I. REFERENCES

Big Sky Civil & Environmental. 2023a. *Lamping Field Soil Remediation Work Plan.*

Big Sky Civil & Environmental. 2023b. *Lamping Field Soil Remediation Report.*

Brooks, C., Burns, B., (2020, Dec. 8). *Former ASARCO Smelter East Helena Facility Annual RCRA Corrective Action Update* [Public Meeting]. East Helena, MT. https://www.mtenvironmentaltrust.org/newsite/wpinhere/wp-content/uploads/2020/12/EH_PublicMeeting_12082020_v4-final-small.pdf

Brooks, C., Hollow, M., Moore, K., Rhodes, M., Williams, B., (2022, Dec. 13). *Former ASARCO Smelter East Helena Facility Annual Project Update* [Public Meeting]. East Helena, MT. https://www.mtenvironmentaltrust.org/newsite/wpinhere/wp-content/uploads/2022/12/12-13-2022-East-Helena-Public-MeetingFINAL4.pdf

City of East Helena (2021). *2021 Growth Policy Update.* https://easthelenamt.us/PDF/COEH_2021GrowthPolicyUpdate.pdf

Lewis and Clark County Public Health Lead Education and Assistance Program. 2020. *The Regulations Governing Soil Displacement and Disposal in the East Helena Superfund Area in Lewis and Clark County, Montana*. https://www.lccountymt.gov/fileadmin/user_upload/Health/Environmental/Lead_Education/2020_East_Helena_Soil_Regulations_Final.pdf

Lewis and Clark City-County Public Health. 2023. *Hoffman's R&M Services Application For Soil Displacement Permit. Application ID: 124656.*

Montana Bureau of Mines and Geology Ground Water Information Center (GWIC) Database https://gis-data-hub-mbmg.hub.arcgis.com/apps/d226763591a0433285c0057031d22d60/explore

Montana Cadastral Web Service http://svc.mt.gov/msl/mtcadastral

Montana Department of Natural Resources & Conservation. 2016. *Montana's Basin Closures and Controlled Groundwater Areas.* https://dnrc.mt.gov/_docs/water/Montana-Basin-Closures-and-Controlled-Groundwater-Areas-6_2_2016-modified-RO-Comments.pdf

Montana Fish, Wildlife and Parks (MTFWP)

https://myfwp.mt.gov/fishMT/waterbody/searchByID?waterBodyID=52856

Montana Natural Heritage Program Map Viewer Environmental Summary https://mtnhp.org/mapviewer/

Montana Sage Grouse Habitat Conservation Program Map https://sagegrouse.mt.gov/ProgramMap

Murdo, Damon. (2023, Jan. 26). *Letter from State Historic Preservation Office to Town Pump, Inc.* Unpublished letter.

National Oceanic and Atmospheric Administration National Centers for Environmental Information U.S. Climate Normals Quick Access. https://www.ncei.noaa.gov/access/us-climate-normals/

Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey Geographic Database (SSURGO) https://websoilsurvey.nrcs.usda.gov/

United States Fish and Wildlife Service National Wetlands Inventory Wetlands Mapper http://www.fws.gov/wetlands/Data/Mapper.html

United States Environmental Protection Agency (USEPA). 2009. *East Helena Superfund Site, Operable Unit No. 2, Residential Soils and Undeveloped Lands Final Record of Decision.* https://semspub.epa.gov/work/08/1118773.pdf

USEPA. 2021. *Fifth Five-Year Review Report For East Helena Superfund Site Lewis and Clark County Montana.* https://semspub.epa.gov/work/08/100010660.pdf

USEPA. 2006. *Framework Water Quality Restoration Plan and Total Maximum Daily Loads (TMDLs) for the Lake Helena Watershed Planning Area: Volume II – Final Report. https://deq.mt.gov/files/water/wqpb/CWAIC/TMDL/M09-TMDL-02a.pdf*

USEPA Interactive Map of Air Quality Monitors AirData Map https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors

United States Fish and Wildlife Service Critical Habitat for Threatened and Endangered Species Map http://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77

United States Geological Survey. USGS *Geologic Map of the Canyon Ferry Dam 30' x 60' Quadrangle, West-Central Montana* [map]. 1:100,000 Central Publications Group, 2004. https://pubs.usgs.gov/sim/2005/2860/