

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Environmental Assessment

WATER QUALITY DIVISION
Water Protection Bureau

Name of Project: Construction Dewatering General Permit (CDGP)

Type of Project: Renewal of Montana Pollutant Discharge Elimination System (MPDES) general permit for construction dewatering (MTG070000).

Location of Project: Statewide (other than Indian Lands)

Description of Project: Re-issue the CDGP for another five-year cycle. The CDGP provides a mechanism for MPDES permit coverage for construction dewatering such as discharges of water from cofferdams and other in-stream dewatering; trenches, pits, and other surface area dewatering; and dewatering from wells within disturbed areas associated with construction sites throughout Montana.

The CDGP requires the “owner or operator” of a dewatering operation to follow the Notice of Intent (NOI) process to obtain authorization under this General Permit; certification of the NOI attests that the owner or operator is eligible for coverage and agrees to comply with the effluent limits and conditions of the General Permit.

The CDGP includes numeric turbidity and narrative oil and grease effluent limitations to ensure compliance with water quality standards. Settling ponds, filtration, or other methods may be needed to reduce turbidity and TSS in the discharge.

The renewed permit will include both visual and grab sample monitoring requirements for turbidity and oil and grease. The CDGP provides environmental protection at construction dewatering projects by requiring monitoring, recordkeeping, reporting, and the development and implementation of a Dewatering Plan that includes Best Management Practices (BMPs) and Corrective Actions.

Agency Action and Applicable Regulations: DEQ proposes to issue this renewal of the CDGP (MTG070000) under the authority of the Montana Water Quality Act and the regulations listed below:

Montana Water Quality Act 75-5-101, MCA, *et seq.*

Administrative Rules of Montana (ARM) Title 17, Chapter 30:

Subchapter 2 – Permit Fees

Subchapter 5 – Mixing Zones in Surface and Ground Water

Subchapter 6 – Surface Water Quality Standards

Subchapter 7 – Nondegradation of Water Quality

Subchapter 12 – MPDES Standards

Subchapter 13 – MPDES Permits

Summary of Issues: The relative impact of dewatering activity can vary site-by-site depending on the dewatering discharge rate, the receiving water flow rate and turbidity at the time of the dewatering, and the successful implementation of BMPs and corrective action. The general permit is designed to allow flexibility for the permittees, while protecting the receiving waterbodies.

DEQ has determined that since authorizations are for temporary activities, one EA for the master CDGP is sufficient. There is no future analysis needed and no environmental benefit from conducting multiple EAs for each authorization, as the individual activities are transient, and the discharges are limited by the CDGP. Furthermore, authorizations under previous CDGP renewals have not resulted in any EA findings.

Benefits and Purpose of Action: The CDGP will allow discharge to state waters of construction dewatering and well development effluent that meet water quality standards. The renewed CDGP includes the requirement for planning and implementation of Best Management Practices (BMPs) and Corrective Action. This will protect water quality and beneficial uses of state waters.

Affected Environment & Impacts of the Proposed Project:

Y = Impacts may occur,

N = Not present or No Impact will likely occur.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	POTENTIAL IMPACTS AND MITIGATION MEASURES
1. 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?	[N] Excess discharge flow from construction dewatering activities may increase streambed and stream bank erosion. Permittees authorized under the CDGP are required to consider erosion control as part of their BMP planning. The permittee may be required to install a flow dissipation device or rip rap. Therefore, no significant impact is anticipated.
2. 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?	[N] Discharges authorized under this general permit must be treated, if necessary, in a settling basin or other treatment system designed to remove turbidity and total suspended solids in order to meet the permits' turbidity limits. Therefore, no significant impact is anticipated.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones?	[N] There will be noise, and emissions from combustion products, from diesel-fired dewatering pumps. These would be relatively minor and temporary. Also, coverage under this permit does not relieve the permittee from applicable air quality standard requirements. Therefore, no significant impact is anticipated.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] The CDGP covers dewatering activities, which does not involve destruction of habitat. If the activity includes construction activities impacting greater than one acre, the owner/operator is required to obtain storm water authorization. Therefore, no significant impact is anticipated.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] The CDGP will require dischargers to meet water quality standards, as well as to implement a Dewatering Plan that includes BMPs. These measures are expected to protect animal communities in the receiving water. Furthermore, the CDGP covers specific dewatering activities, none of which involve destruction of habitat. Lastly, construction dewatering operations are temporary. Therefore, no significant impact is anticipated.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[N] DEQ may deny requests to discharge into an area of unique ecological or recreational significance, if the discharge may pose a threat to the habitat or threatened or endangered species. However, the CDGP protects all state waters by requiring dischargers to meet water quality standards, as well as to implement a Dewatering Plan that includes BMPs. These measures are designed to protect natural communities. Furthermore, construction dewatering operations are temporary. Therefore, no significant impact is anticipated.

IMPACTS ON THE PHYSICAL ENVIRONMENT

7. SAGE GROUSE EXECUTIVE ORDER No. 12-2015	<p>Projects within designated sage grouse habitat will be addressed through the Montana Sage Grouse Habitat Conservation Program (the Program). The Program has a role of consultation, recommendation, and facilitation, and has no authority to either approve or deny a project. Certain limitations or conditions may apply to a project within designated sage grouse habitat. Any recommendations and mitigations determined by the Program are provided to the project proponent in a consultation letter. Consultation with the Program must occur prior to submitting an NOI for authorization under the General Permit. The scope of the consultation letter may cover multiple state actions associated with the proposed project.</p> <p>The Notice of Intent (NOI) forms require consultation with the Program for projects within designated sage grouse habitat and subject to Executive Order 12-2015 and 21-2105. The resulting consultation letter must be submitted as part of a complete NOI package and any recommendations and mitigation actions will be included in an authorization under the General Permit.</p> <p>Projects outside of designated sage grouse habitat are not subject to these additional NOI and authorization requirements.</p>
8. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] Construction dewatering projects have low likelihood of impacting cultural properties as by nature they are temporary operations that primarily involve moving water away from an area of work. In the rare, unforeseen event that a structure needs to be altered or cultural materials are discovered as part of the dewatering project, the State Historical and Preservation Office (SHPO) should be contacted by the applicant. Therefore, no significant impact is anticipated.
9. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[N] Construction dewatering projects can occur anywhere, including in populated areas. There could be noise for a short time period associated with the dewatering pump. In addition, the permittee may be required to install water treatment, such as stormwater detention basins or silt bags, which may be unsightly. However, as this is temporary, no significant impact is anticipated.
10. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project? Will new or upgraded powerline or other energy source be needed).	[N] Construction dewatering projects are temporary, and any power requirements would be minimal. No significant impact is anticipated.
11. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] No significant impacts on other environmental resources have been identified.

IMPACTS ON THE HUMAN ENVIRONMENT

12. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N] No significant impacts are anticipated.
13. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N] No significant impacts are anticipated.
14. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] No significant impacts are anticipated.
15. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] No significant impacts are anticipated.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
16. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] No significant impacts are anticipated.
17. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N] Applicants are required to comply with local ordinances, such as 310 Permitting through the local Conservation District. DEQ is not aware of any other local environmental plans or regulations that would apply to authorizations under the CDGP; in addition, it does not exempt permittees from any such plans, regulations, or permits. No significant impacts are anticipated.
18. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] The CDGP does not exempt permittees from any local, state, or federal regulations regarding public access or right of way, or any state or federal wilderness or recreation area rules. No significant impacts are anticipated.
19. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N] No significant impacts are anticipated.
20. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] No significant impacts are anticipated.
21. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N] No significant impacts are anticipated.
22. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N] No significant impacts are anticipated.
23(a). PRIVATE PROPERTY IMPACTS: Are we regulating the use of private property under a regulatory statute adopted pursuant to the police power of the state? (Property management, grants of financial assistance, and the exercise of the power of eminent domain are not within this category.) If not, no further analysis is required.	[NA]
23(b). PRIVATE PROPERTY IMPACTS: Is the agency proposing to deny the application or condition the approval in a way that restricts the use of the regulated person's private property? If not, no further analysis is required.	[NA]
23(c). PRIVATE PROPERTY IMPACTS: If the answer to 23(b) is affirmative, does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize, or eliminate the restriction on the use of private property, and analyze such alternatives. The agency must disclose the potential costs of identified restrictions.	[NA]

24. **Description of and Impacts of other Alternatives Considered:** CDGP applicants are encouraged to evaluate whether a discharge can be avoided by using the water for irrigation or through infiltration from a settling pond.
25. **Summary of Magnitude and Significance of Potential Impact:** The effluent turbidity is limited. In addition, the permittee is required to plan, install, and maintain BMPs and undertake corrective action in case of a BMP failure. No significant impacts are anticipated.
26. **Cumulative Effects:** None foreseen.
27. **Preferred Action Alternative and Rationale:** The preferred action is to issue the CDGP because the CDGP provides the regulatory mechanism for protecting water quality by enforcing the Montana Water Quality Act and rules.
- Recommendation for Further Environmental Analysis:**
[] EIS [] More Detailed EA [x] No Further Analysis
- Rationale for Recommendation:** There will be no significant adverse impacts on the physical, biological or social portion of the human and natural environment.
28. **Public Involvement:** There will be a public comment period and a public hearing for the proposed General Permit, including this EA.
29. **Persons and agencies consulted in the preparation of this analysis:** None

EA Checklist Prepared By: Christine Weaver, September 2019

Approved By:



Jon Kenning, Chief
Water Protection Bureau

November 7, 2019

Date