

DEPARTMENT OF ENVIRONMENTAL QUALITY
Environmental Assessment

Final Environmental Assessment
September 16, 2024

EQ Number & Name of Project: EQ#24-2838, Sapphire Grill

AUTHORIZING ACTION

Under the Montana Environmental Policy Act (MEPA), Montana agencies are required to prepare an environmental review (EA) 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 EA examines the proposed action and alternatives to the proposed action and disclose potential impacts that may result from the proposed and alternative actions and to determine the need for additional environmental review based on consideration of the criteria set forth in Administrative Rules of Montana (ARM) 17.4.608.

DESCRIPTION OF DEQ REGULATORY OVERSIGHT

DEQ implements the Sanitation Act of Montana, overseeing the development of Sanitation in Subdivisions and associated facilities. DEQ has authority to analyze impacts related to construction of water, wastewater and storm water facilities. This EA addresses impacts from DEQ permitted activities under the Sanitation in Subdivisions Act (MCA 76-4) and the Public Water Supply Act (MCA 75-6) only.

PROPOSED ACTION

Stoddard Land Company (Nicola Pace), Owner, has applied for approval under the Sanitation Act of Montana to develop a subdivision lot. The proposed action would be located on private land in Ravalli County, Montana. All information included in this EA is derived from the permit application, responses to deficiencies provided by the applicant, analysis of aerial photography, topographic maps, and other research tools.

The subject property is located within the Town of Darby, Montana in Ravalli County. The legal description is Sections 10 and 11, Township 3 North, Range 21 West, IN SENE INDEX 57 IN NWSW IN SWNW INDEX N CS #5051-R TRACT 1 LESS CS #5134-A, described as Portion 'A' of Tract 1. The property is 9.97 acres, located on the north side of School Drive and east of Rodeo Drive, and west of US Highway 93 as shown on the image below from Montana Cadastral.

Figure 1



DEQ is permitting one lot with connection to Darby's municipal water system, MT0000195, one conventional onsite subsurface wastewater treatment system, and stormwater facilities for the impervious surfaces created by the development. Any disturbance for landscaping, lawn irrigation, or seeding is beyond the scope of the project and is not a part of the Proposed Action.

This EA evaluated impacts from the proposed sanitation facilities. DEQ recognizes that structures, driveways, and parking area have already been constructed; however, the EA addresses impacts from DEQ permitted activities related to the Sanitation in Subdivision Act and the Public Water Supply Act only. For this site, these activities include the excavation of the grease, septic and dose tanks locations, the drainfield site, water service connection, and excavation for the stormwater ponds only.

Vegetation comprises native and pasture grasses. The property is essentially flat, with no predominant slope. The property is west of the Bitterroot River. Two irrigation ditches, the Overturf Ditch and the Tiedt-Nicholson Ditch, are between the site and the Bitterroot River.

Scope: This EA is disclosing the direct, secondary, and cumulative impacts of the permitting of the proposed connections to the municipal water system, the wastewater treatment facilities, and stormwater facilities subject to review under the Sanitation Act in Title 76, chapter 4, MCA.

Project activities: A building and parking lot have been constructed to house a restaurant/bar/casino commercial business, which is not part of the action under consideration by this EA.

The portion of the project subject to the Sanitation Act of Montana to develop the subdivision lot are the following project details: Total impervious area would be approximately 6% of the total property. Stormwater would be routed to a stormwater pond with 4800 cubic feet of capacity. A connection to Darby’s municipal water system would provide water for the facility. Because the Town of Darby does not currently have capacity to accept more wastewater connections, a conventional public wastewater disposal system would be constructed until connection capacity is available in the municipal system. The system would include a 1000-gallon grease tank, a 2500-gallon septic tank, a 1000-gallon dose tank, and a drainfield.

Table 1. Summary of Proposed Action

Proposed Action	
General Overview	DEQ is permitting the sanitation facilities on a 9.97-acre lot in Darby. The lot would be developed with a restaurant/bar/casino. The facilities subject to DEQ's review are the connection to Darby's municipal water system, a conventional onsite subsurface wastewater treatment system, and stormwater facilities for the impervious surfaces created by the development. The wastewater system would include a 1000-gallon grease tank, a 2500-gallon septic tank, a 1000-gallon dose tank, and a drainfield. The stormwater handling would be handled with 4800 cubic feet of capacity for the lot.
Estimated Disturbance	Approximately one acre of the 9.97 acres would be disturbed.
Location and Analysis Area	Location: See Legal Description under Proposed Action Analysis Area: The area being analyzed as part of this environmental review includes 9.97 acres in the immediate project area (Figure 1), 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.	
Solid Waste	The applicant proposes to utilize local, County services for solid waste, which for this area is Bitterroot Disposal.
Hazardous Substances	Hazardous substances are not applicable to this project.

Cumulative Impact Considerations	
Past Actions	<p>DEQ staff carefully review the location and records for potential cumulative impacts and no past cumulative effects have been found.</p> <p>The property immediately to the north of the project was historically a commercial wood treating plant. From 1961 through 1964, wood was treated by dipping. Beginning in late 1964 and continuing through 1978, a steam-pressurized retort was used to pressure treat wood. For the first</p>
	<p>Two years of pressure treating excess liquid was discharged into an unlined blow-down pond upon pressure release. For the rest of the active period, only incidental leaks and spills contributed contaminants. The S&W Sawmill Facility was listed by EPA on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) List in May 1986. This is a list of potentially hazardous waste sites regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), aka Federal Superfund. A preliminary Hazard Ranking System (HRS) score was generated to determine the potential for the S&W Sawmill Facility to score on the National Priority List (NPL). It was determined that the Facility did not qualify for NPL listing, therefore a no further action designation was assigned to the Facility under CERCLA. The S&W Sawmill Facility was then referred to the regulatory authority of the Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA) in July 1991. This Facility is actively managed under the CECRA authority by DEQ's State Superfund Unit (Roll, 2024). Low levels of some Contaminants of Potential Concern (COPCs), including dioxins, furans, and/or Pentachlorophenol (PCP), have been detected in surface soils on the project site, probably tracked with vehicle traffic from the International Paper property. The contaminants on the project property are considered immobile, due to extremely low solubility and high adsorption to soils (ICI, 2016). DEQ has worked with the landowners to develop a soil management plan to keep potentially contaminated soil segregated during construction. Because of the absence of carrier solutions, transport to groundwater beneath the project property is unlikely (Roll, 2024).</p> <p>The groundwater gradient beneath the sawmill site is to the northeast, away from the project site. No cumulative impact is possible.</p>
Present Actions	No current FWP, DNRC, BLM, USFS, county or locally regulated projects were identified within 1000 feet of the proposed project.
Related Future Actions	No related future actions are known that may contribute to cumulative impacts.

PURPOSE, NEED, AND BENEFITS

DEQ's purpose in conducting this environmental review is to act upon this application for a Certificate of Subdivision Approval. DEQ's action on the permit application is governed by § 76-4, et seq., Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM) 17.36, et seq.

The applicant's purpose and need, as expressed to DEQ in seeking this action, is to obtain approval for sanitation facilities related to the development of a restaurant.

1.1. OTHER GOVERNMENTAL AGENCIES AND PROGRAMS WITH JURISDICTION

The proposed action would be located on private land. All applicable local, state, and federal rules must be adhered to, which may also include other local, state, federal, or tribal agency jurisdiction.

The project site is potentially included in the International Paper Facility State Superfund area, and may be included in the final Record of Decision (ROD) when it is issued. The most likely recommendations are to continue the soil management plan and possibly to restrict future property development to Commercial / Industrial land uses (Roll, 2024).

Other agencies may have additional authority. The authority for Planning, Zoning and Platting lies with the local authority, Ravalli County. The Ravalli Health Department provides local sanitation approval. The applicant proposes to connect to an existing public water supply so a DNRC water right would probably not be required. A general permit for stormwater discharges associated with construction activity that disturb one or more acres of land may be required.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
<p>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?</p>	<p>N – The Bitterroot Valley is floored by approximately 40 feet of Quaternary alluvium, mostly well-sorted gravel and sand, with relatively thin and poorly developed soils (McMurtrey et al., 1972). Soil test pits on the site show approximately 12 inches of loam topsoil, underlain by gravelly to very gravelly sandy loam to loamy sand subsoil to at least 96 inches. Soil sampling on the adjacent S&W Sawmill property in 2013 revealed sandy loam topsoil underlain by loamy sand with water table at approximately 8 feet (ICI, 2016). The topography at the project site is essentially level, with no unusually erosion-prone or unstable characteristics.</p>
<p>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?</p>	<p>Y – Two irrigation ditches are located downgradient of the site. The Overturf ditch is about 500 feet from the site and is elevated above the natural ground surface. It is not directly in contact with groundwater. The Tiedt-Nicholson ditch is roughly 1100 feet downgradient of the site. The water table near the ditch is well below the bottom elevation of the ditch, precluding direct connection with groundwater. The Bitterroot River is approximately ½ mile downgradient from the site. Groundwater flowing under the site would reach the Bitterroot River system. The only potential contaminant resulting from the proposed project is nitrate as N, and sensitivity analysis indicates no risk to water quality in the river.</p>
<p>3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?</p>	<p>N – Air quality pollutants or particulate would not be produced in the long-term for the project. In the short-term during construction, air quality could be reduced but this is considered to be mitigatable via Best Management Practices associated primarily with Storm Water Pollution Prevention Plan (SWPPP) permitting. There would be no impact to Class I airsheds due to the short duration of impacts and the distance to these types of airsheds.</p>
<p>4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?</p>	<p>N – The site is poorly vegetated, as undeveloped commercial sites often are. Some pasture and native grasses are present. The property would likely be landscaped, which is beyond DEQ’s authority or expertise.</p>

IMPACTS ON THE PHYSICAL ENVIRONMENT	
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds, or fish?	N – The site is located in a fringe urban area, surrounded by commercial and light industrial development. Wildlife may use the site in an incidental manner, but no important habitat is represented. Ubiquitous suburban wildlife such as coyotes, deer, songbirds, rabbits, and rodents are likely to be present intermittently.
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 - There are no known threatened or endangered species present within the parcel or with significant habitat at the project site per the Montana Natural Heritage Program’s Map Viewer. Several small areas identified as Riparian are shown near the Overturf ditch on the National Wetlands Inventory site. The project is unlikely to have any impact on these areas.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological, or paleontological resources present?	N – Under §22-3-424, MCA, the project does not require SHPO consultation. No structures are present on the property, and no indication of qualifying sites or materials has been identified.
8. 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 – The septic system and stormwater facilities would be low profile additions to the landscape. Impacts would be negligible.
9. 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 - The project would connect to the Town of Darby’s municipal Public Water Supply.
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	N –There are no other known activities nearby that would affect the project.

IMPACTS ON THE HUMAN ENVIRONMENT	
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	N – The project would not add to human health and safety risks in the area.
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	N - The site is not active industrial, commercial, or agricultural land. None of these activities would be impacted by the proposed project.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move, or eliminate jobs? If so, estimated number.	N – The project would not directly create, move, or eliminate jobs, other than creation of temporary jobs during construction. These jobs include contractor(s) for stormwater facility construction and for wastewater system installation and maintenance. The stormwater facility construction is estimated to require 1 person. The wastewater system installation and maintenance is estimated to require 2 people.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	Y - There may be an indirect economic benefit to the local tax base by improving this property.
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	Y – Minimal impacts are anticipated due to the installation of the septic system and stormwater facilities.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	N – The site is not zoned in the County. There are no known locally adopted environmental plans for the area.
17. 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 – There are no recreational or wilderness activities accessed through the subject property. The site is surrounded by private property, primarily commercial and light industrial, and abuts Highway 93 to the west.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	N – Minimal impacts are anticipated due to the installation of the subsurface wastewater treatment system and stormwater facilities.
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	N - No disruption of native or traditional lifestyles or communities is anticipated from the development. The project matches the existing area.

IMPACTS ON THE HUMAN ENVIRONMENT	
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	N – Adjacent properties include commercial businesses, road and highway rights of way, and a former industrial site managed by Montana DEQ under CECRA authority.
21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	N - No adverse social impacts are anticipated by the development of this property. There may be a slight economic benefit to the businesses contracted to complete the construction work.
22(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.	N – Approval of the subsurface wastewater treatment system and stormwater facilities within the subject property is not under a regulatory statute adopted pursuant to the police power of the state.

23. Summary of Significance of Potential Impacts and Need for Further Analysis:

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 the department 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.

DEQ has determined that no further analysis is needed. As discussed above, the site is located in a fringe urban area, surrounded by commercial and light industrial development, and the facilities under review by the agency are the proposed connection to Darby’s water supply system, one onsite subsurface wastewater treatment system, and stormwater facilities for the impervious surfaces created by the development. As discussed throughout this EA, the probability, severity, and extent of any impacts would be low.

The location of the proposed facilities would not cause significant impacts to environmental resources or values and would not have any growth-inducing or growth-inhibiting aspects. DEQ's review is limited to the water connections, a subsurface wastewater system, and stormwater facilities that have been submitted for review in this specific subdivision application and therefore would not commit DEQ to future actions with significant impacts.

Impacts from the construction of these facilities would be short term and would not be significant. As for the operation of the subsurface wastewater treatment system, DEQ does not anticipate any significant direct, second, or cumulative impacts to ground- or surface-water resources. As discussed in the EA and the responses, DEQ does not anticipate significant impacts to the nearby irrigation ditches because the water table is below the bottom elevations of those ditches, and DEQ does not anticipate significant impacts to the river through its nondegradation and nonsignificance review.

DEQ also does not anticipate any significant direct, secondary, or cumulative impacts related to the former S&W Sawmill Facility. As discussed above, the contaminants from the sawmill are considered immobile, and DEQ has worked with the landowners to develop a soil management plan to keep potentially contaminated soil segregated during construction. Likewise, DEQ does not anticipate any significant direct, secondary, or cumulative impacts from the operation of the subsurface wastewater treatment system or stormwater facilities because the facilities under review would not provide carrier solutions for the immobile contaminants to transport to groundwater beneath the property. As discussed above, the proposed use for the lot is consistent with similar Superfund cleanup projects, and the facilities under review do not conflict with other laws, requirements, or formal plans.

Accordingly, the project lacks significant adverse effects to the human and physical environment based on the criteria in ARM 17.4.608, so an environmental impact statement is not required.

24. Cumulative Effects: For the reasons discussed throughout this EA and responses to comments, DEQ does not anticipate significant cumulative impacts from the facilities under review by the agency.
25. Preferred Action Alternative and Rationale: *Approve*
26. Other Alternatives: DEQ considered the No Action Alternative. In addition to the proposed action, DEQ analyzes a "no-action" alternative in this EA. If chosen, the "no-action" alternative would result in a denial of the wastewater treatment system and stormwater management facilities and none of the identified potential impacts would occur. The "no-action" alternative forms the baseline from which the potential impacts of the proposed action can be measured.

The no action alternative is required under MEPA to describe what would happen if the proposed project was not to receive DEQ approval. Under this alternative, the system could not be connected to a public water system, and no impacts would occur. It must be noted, however, that if the proposed public water system connection meets all legal requirements of the Public Water and Wastewater Laws, Administrative Rules and Design Circulars, DEQ is required to approve the connection, and this alternative could not be implemented.

AGENCY-MODIFIED ALTERNATIVES

DEQ does not propose an agency-modified alternative for this project because an agency-modified alternative would not mitigate or eliminate impacts beyond that of the applicant submitted proposal.

DEQ eliminated from consideration alternatives that would involve the construction of facilities not proposed by the applicant. Such alternatives are outside the needs and goals of the applicant, and MEPA does not require the consideration of alternative facilities or an alternative to the proposed project itself. Section 75-1-220(1), MCA.

Public Comments:

Public Comments were solicited and received. DEQ's response to comments is attached, and DEQ has modified this EA in response to those comments. DEQ has also made minor modifications in the final EA for readability and to clarify the application and facilities under review.

Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

For the reasons discussed throughout this EA, the project lacks significant adverse effects to the human and physical environment based on the criteria in ARM 17.4.608, and DEQ has determined that further analysis is not required.

EA Prepared By:

Kevin Krogstad and Shawn Rowland, RS September 16, 2024

References

- Subdivision file # EQ24-2838
- United States Department of Agriculture, Natural Resources Conservation Service. <https://websoilsurvey.nrcs.usda.gov/app/>. Accessed 5/6/2024.
- Administrative Rule Chapter 17.36 Subdivisions / On-site Subsurface Wastewater Treatment
- Montana Code Annotated 2023: Title 75. Environmental Protection
- Department of Environmental Quality Circular DEQ-8, Montana Standards for Subdivision Stormwater Drainage, 2017 Edition
- Department of Environmental Quality Circular DEQ-4, Montana Standards for Subsurface Wastewater Treatment Systems, 2023 Edition
- Department of Environmental Quality Circular DEQ-20, Standards for Nonpublic Water Systems, 2023 Edition
- Department of Environmental Quality Circular DEQ-7, Montana Numerical Water Quality Standards, 2019 Edition
- Montana Natural Heritage Program MapViewer <https://mtnhp.org/mapviewer/> accessed 6/26/2024
- Montana Cadastral <https://svc.mt.gov/msl/cadastral/> accessed 6/24/2024

- U.S. Fish & Wildlife Service National Wetlands Inventory
<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper> accessed 6/26/2024
- Integral Consulting, Inc. 2016. Fate and Transport Study, S&W Sawmill Facility, Darby, Montana
- Roll, Robert 2024. Personal Communication 6/18/2024.
- McMurtrey, R.G., R.L. Konizeski, J.H. Bartells, and H.A. Swenson, 1972. Geology and Water Resources of the Bitterroot Valley, Southwestern Montana. USGS Water-Supply Paper 1889.

EQ.#24-2838 Sapphire Grill Environmental Assessment Response To comments

Item	Comment	Summary of Comment	Response to Comment
1	<p>Under General Overview , it says the site will be developed as a restaurant/Bar/Casino, when in fact the Restaurant/Bar/Casino along with the landscaping has been completed.</p> <p>In the General Overview, it says the site will be developed as a restaurant/Bar/Casino, when in fact the Restaurant/Bar/Casino along with the landscaping has already been completed. This was all completed without the approval of DEQ and nothing has been done to correct this.</p>	2 commentors stated the project and building have already been built without approval.	DEQ recognizes that structures, driveways, and parking area have already been constructed; however, the EA addresses impacts from DEQ permitted activities related to the Sanitation in Subdivision Act and the Public Water Supply Act only. For this site, these activities include the excavation of the grease, septic and dose tanks locations, the drainfield site, water service connection, and excavation for the stormwater ponds only. DEQ has updated the Final EA in response to these comments.
2	<p>They said that they had observed what they considered to be unpermitted and unauthorized excavation activities for a septic system that currently has not been permitted - it has non-permitted status.</p> <p>The filer of the complaint says that they have excavated a very deep hole, maybe 12 feet deep. They say it was dug on Monday, Memorial day, when maybe people were not watching. The filer said they went to a town hall meeting last night and the town says they have no knowledge of these activities.</p>	2 commentors stated that a large hole was excavated on the site	DEQ understands that the excavation contractor used material from a hole located southwest of the existing structure to provide the base for the parking and driveway. None of the material was removed from the site. Because the hole was not in the area of any of the proposed facilities being reviewed by the Department, it is outside the scope of this EA.
3	<p>I believe the best solution is to connect the development to the Town of Darby's wastewater system once they address the issues preventing the connection.</p> <p>We believe the best solution is for Stoddard Land connect the development to the Town of Darby's wastewater system once they address the issues preventing the connection.</p>	2 commentors stated the project should connect to City sewer once the system has capacity.	As discussed in the EA, the applicant may decide to connect to the City of Darby's municipal wastewater system when the capacity is available.

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Item	Comment	Summary of Comment	Response to Comment
4	<p>The Draft under IMPACTS ON THE PHYSICAL ENVIORMNET- #2 says "Groundwater flowing under the site will reach the Bitterroot River system. The only potential contaminant resulting from the proposed project is nitrate as N, and sensitivity analysis indicates no risk to water quality in the river". The past research shows continued soil disturbance and storm water runoff from the entire Mt. Super Fund site continue to affect and contribute to the contaminated ground water.</p>	<p>2 commentors stated soil disturbance and runoff from the Superfund site contribute to contaminated groundwater.</p>	<p>A Stormwater Plan was reviewed in accordance with DEQ Circular DEQ-8 Montana Standards for Subdivision Storm Water Drainage (2017 Edition). The department does not anticipate stormwater generated by the new facilities to leave the project site. In regards to the contaminants related to the project property (dioxin/furan), because there are no carrier solutions present such as diesel fuel, infiltration of stormwater is not expected to cause migration of the contaminants which would cause groundwater contamination. DEQ has updated the Final EA in response to these comments.</p>
	<p>The Draft under IMPACTS ON THE PHYSICAL ENVIORMNET- #2 says "Groundwater flowing under the site will reach the Bitterroot River system. The only potential contaminant resulting from the proposed project is nitrate as N, and sensitivity analysis indicates no risk to water quality in the river". The past research shows continued soil disturbance and storm water runoff from the entire Mt. Super Fund site continue to affect and contribute to the contaminated ground water.</p>		
5	<p>As property owners and irrigators the ditch which flows through our ranch we are very concerned about future contamination from a septic permit and the effects on the contaminated ground water.</p>	<p>1 commentor stated the onsite wastewater system could impact the groundwater contamination.</p>	<p>Septic permit applications are evaluated by DEQ to confirm no significant impacts on groundwater will occur. Discharge from the proposed system is not likely to encounter any groundwater carrying contaminants from the International Paper site. DEQ has updated the Final EA in response to these comments.</p>

EQ.#24-2838 Sapphire Grill Environmental Assessment Response To comments

Item	Comment	Summary of Comment	Response to Comment
6	The EA draft does not address New information that shows the plume continues to move Northeast from the site towards the Bitterroot river much further than had previously thought and more new test wells will be drilled to track the movement towards the river .	3 commentors stated the contamination plume is expanding towards the Bitterroot River and new test wells will be drilled.	The contamination plume is not expected to expand due to the construction or installation of the facilities being reviewed under the Subdivision and Sanitation Act. The plume is specific to the site to the North where the wood treating activities occurred. Furthermore, because there are no carrier solutions present such as diesel fuel, infiltration of stormwater or wastewater effluent is not expected to cause migration of the contaminants which would cause expansion of the contamination plume. DEQ has updated the Final EA in response to these comments.
	The EA draft does not address New information that shows the plume continues to move Northeast from the site towards the Bitterroot river much further than had previously thought and more new test wells will be drilled to track the movement towards the river.		
	The contaminated ground water plume originating from the S&W mill site and Stoddard Land continues to grow. Mt DEQ is requiring International Paper to expand the study area.		
7	This decision will take more than a simple EA,	5 commentors stated an EA was inadequate to evaluate the impacts from the project.	DEQ determined that no significant impacts to the human environment are anticipated, so further environmental review, like an Environmental Impact Study (EIS), is unnecessary. DEQ has updated the Final EA in response to these comments. Please see the updated analysis in Paragraph 23 of the Final EA.
	This decision will take more than a simple EA.		
	It sure appears DEQ did not do much homework This EA could surely end up in court considering the ground water issues and ongoing monitoring of the contaminated plume with the Stoddard and IP property in my opinion.		
	A full EIS on the proposed septic permit to guarantee no detrimental affects on the ground water or Irrigation ditches along with the cleanup work already completed on Waddell ditch should be required.		
	Anything short of a full Environmental Impact Statement that guarantees that this will not affect the ongoing cleanup process on the irrigation ditches running through our property will possibly be met with a legal challenge.		

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Item	Comment	Summary of Comment	Response to Comment
8	Under the cumulative impact considerations there is no mention the proposed development site is listed as a Mt. State Super fund site.	6 commentors stated the project project site is a Montana Superfund site.	The department acknowledges that the project property is part of a State Superfund Facility and has modified the EA to reflect this fact. See Response 6 for response to the ground water plume comments.
	There is no mention that International Paper property and Stoddard Land Property both listed under Mt Super fund site sit above and contributes to the contaminated ground water plume, and that the ground water is being monitored by more than 26 test wells.		
	There is no mention that the proposed development site is listed as a Mt. State Super fund site.		
	There is no mention that International Paper property and Stoddard Land Property both listed under Mt Super fund site that sits above and contributes to the contaminated ground water plume, and that the ground water is being monitored by more than 26 test wells.		
	The other question was why does the draft EA not say anything about the property being listed as a Mt Super Fund site.		
	This EA seems so poorly done considering it being a MT. Super Fund site.		

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Item	Comment	Summary of Comment	Response to Comment
9	<p>I am writing you with concerns for a business in Darby that has been approved to build this huge beautiful steakhouse restaurant and the town of Darby will not allow them to hook up to the sewer system. This is wrong on so many levels. We are inviting businesses from all over the nation to come to Montana and do business and then treat them like this. To my knowledge they were also told they can't put in a septic system of their own or tap into the town sewer so they're stuck with an empty building unable to do anything.</p> <p>Please do the right thing and move forward with approving them to tap into the system. This restaurant would employ a ton of people in a small community where jobs are needed.</p> <p>This sets a horrible example for people to come here, spend money to employ people and get treat this way.</p>	3 commentors stated the business will help the community and should be approved.	DEQ appreciates this comment and is proceeding through the approval process as quickly as state laws and rules allow to ensure adequate public participation and to ensure compliance with relevant design standards and requirements. This approval would allow a septic system to be installed on the property.
10	<p>There is no mention that the Stoddard land is included in the ongoing Feasibility Study for clean up and the ROD could potentially place restrictions on the Stoddard Land.</p> <p>There is no mention that the Stoddard land is included in the ongoing Feasibility Study for clean up and that when the ROD is completed it could potentially place additional Restrictions on the Stoddard Land. Thesitr development will be in the ROD for cleanup.</p>	2 commentors stated the property will be part of the Record of Decision(ROD) for the Superfund site	Previous DEQ approved investigations and reports performed by International Paper indicates that only surface soils were contaminated on the project property at concentrations that are currently protective for commercial/industrial development, but not protective for residential development. For both the Proposed Plan and ROD, DEQ's State Superfund program will evaluate and determine reasonably anticipated future of the various properties that make up the Facility, using the criteria outlined in §75-10-701(18), MCA. Based on that evaluation, DEQ's State Superfund program will determine if an institutional control to limit the property use to commercial/industrial is appropriate for this property. However, decisions about institutional controls restricting property use will not be decided until later in the superfund process. In regards to the property use, the Certificate of Subdivision Approval (COSA) will limit the property to Commercial Use and a rewrite of the COSA would be required to change that use. DEQ has updated the Final EA in response to these comments.
11	<p>The draft EA does not mention Stoddard land Development was denied permission at this time to drill a well because of incomplete information on how the well would affect the contaminated ground water.</p> <p>The draft EA does not mention Stoddard land Development was denied permission at this time to drill a well because of incomplete information on how the well would affect the contaminated ground water.</p>	2 commentors stated the property is restricted from drilling a well.	The EA addresses impacts from Department of Environmental Quality (DEQ) permitted activities related to the Sanitation in Subdivision Act (MCA-76-4) and the Public Water Act (MCA 75-6) only. For this project, a water service connection to the Town of Darby's municipal water system was proposed to provide potable water. A well was not proposed for this project, therefore the department's action is based on connection to the Darby Public Water System.

EQ.#24-2838 Sapphire Grill Environmental Assessment Response To comments

Item	Comment	Summary of Comment	Response to Comment
12	<p>No mention that Dioxn/Furin contamination are present on the development site and will only allow for Commercial /Industrial use.</p> <hr/> <p>No mention that Dioxn/Furincontamination are present on the development site and will only allow for Commercial /Industrial use.</p>	<p>2 commentors stated the EA did not mention contamination present at the site and that it is only approved for Commercial Use.</p>	<p>The department concurs with the comment that Dioxin/Furin were not mentioned in the EA. The EA has been revised to reflect the presence of Dioxin/Furin on the project property. In regards to the property use, the Certificate of Subdivision Approval (COSA) will limit the property use to Commercial Use and a rewrite of the COSA would be required to change that use.</p>
13	<p>An additional concern is that Missoula County is no longer accepting pumped sewage from Ravalli County. With a 2500 gallon tank needing to be pumped and no place to dump the sewage what would be the plan.</p>	<p>1 commentor expressed concern about septage disposal.</p>	<p>The proposed project includes a grease trap, septic tank, and a dose tank which pumps to an onsite drainfield. The septic tank will need periodic maintenance including pumping every 3-5 years. The grease trap whether connected to a drainfield or the Darby Wastewater System would require periodic pumping and disposal of the septage. DEQ's understanding is that Missoula County is still accepting pumped septage from Ravalli County, albeit with some restrictions. DEQ is also aware that other land application sites remain viable options for disposal. The owner of the proposed system would be required to use a licensed septic pumper to dispose of the waste.</p>