



**Montana Pollutant Discharge Elimination System (MPDES)
General Permit for
Storm Water Discharges Associated with Construction Activity
Environmental Assessment**

Name of Project: General Permit for Storm Water Discharges Associated with Construction Activity, MTR100000 (General Permit or MTR100000)

Type of Project:

Renewal of the Montana Pollutant Discharge Elimination System (MPDES) General Permit for Storm Water Discharges Associated with Construction Activity, MPDES Permit Number MTR100000 and subsequent authorizations under that permit.

Location of Project: Statewide, excluding Indian country.

Description of Project:

The Montana Department of Environmental Quality (DEQ) reissued MTR100000 for a five-year permit cycle, beginning January 1, 2023, and expiring on December 31, 2027. MTR100000 is the permitting mechanism developed to provide and/or continue coverage (authorizations) for construction activities in Montana discharging storm water to state surface waters, excluding construction activities occurring on Indian country. The proposed action will be DEQ's seventh reissuance of the General Permit.

The General Permit reissuance (proposed action) does not approve, regulate, or permit the underlying construction activities or the scope of the proposed construction project or operation. The General Permit reissuance regulates the discharge of storm water associated with construction activities as defined at ARM 17.30.1102(28).

MTR100000 requires the owner or operator of the construction activities to obtain authorization under the General Permit. An owner or operator, also identified as a permittee, acknowledges eligibility for coverage under MTR100000 and agrees to comply with the effluent limits and conditions of the General Permit. Authorizations under the proposed reissuance of MTR100000 require owners or operators to submit a Notice of Intent (NOI-SWC) package as outlined in Part 1.2 of the General Permit. DEQ reviews NOI-SWC packages for completeness.

The permittee may terminate coverage under this General Permit upon the removal of any temporary storm water control measures; removal of construction equipment and vehicles; cessation of any potential pollutant-generating activities due to the construction activities; and upon achieving final stabilization of the site as defined in ARM 17.30.1102(5).

The draft fact sheet provides the rationale for the draft permit and is a reference document for this environmental assessment.

Agency Action and Applicable Regulation:

DEQ proposes to issue this renewal of MTR100000. DEQ's duties to issue permits extends to general permits for specific categories of point source discharges, as determined appropriate by the Board of Environmental Review, to include point source discharges of storm water consistent with the federal storm water Phase I and II Rules. The proposed action falls under the following regulations:

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

Administrative Rules of Montana (ARM Title 17 Chapter 30)

Subchapter 2 – Water Quality Permit Application and Annual Fees.

Subchapter 5 – Mixing Zones in Surface and Ground Water.

Subchapter 6 – Surface Water Quality Standards.

Subchapter 7 – Nondegradation of Water Quality.

Subchapter 11 – Storm Water Discharges.

Subchapter 12 and 13 – Montana Pollutant Discharge Elimination System Standards.

Summary of Issues:

Storm water discharges associated with construction activity are a concern because, if uncontrolled, these activities provide a diffuse source of water pollution. Construction activities disturb the project site's stabilizing vegetative cover and expose the soil underneath to erosive elements such as rainfall and snowmelt runoff. Consequently, storm water runoff from construction activities may carry increased sediment loading and potentially other pollutants from construction-related activities and materials. The primary pollutant generated from construction activities is sediment- including total suspended solids, turbidity, and siltation. Potential pollution concentrations may vary depending on the overall scope of the construction project, the size and duration of a storm event impacting a site, the phase of construction at which a storm event occurs, and the soil characteristics of the site. If uncontrolled, storm water discharges associated with construction activities can result in the acceleration of sedimentation in waterways and degrade aquatic habitat and water quality.

Benefits and Purpose of Action:

The purpose of this action is to regulate storm water discharges associated with construction activity. The General Permit requires permittees to comply with effluent limits, conditions, and other requirements. The core requirement of the General Permit is to develop, submit, and maintain a storm water pollution prevention plan (SWPPP). The SWPPP is a document (including associated maps, diagrams, details, and plans) that: (1) identifies sources of pollution that may affect water quality as a result of uncontrolled storm water discharges associated with construction activity; and (2) requires control measures (Best Management Practices-BMPs) developed and implemented in accordance with good engineering, selection, and design, hydrologic principles, and pollution control practices to minimize and control the discharge of pollutants in storm water discharges associated with construction activities. SWPPPs are intended to be "living documents" and updated to reflect current site conditions and activities. MTR10000 also requires (1) periodic site inspections, and (2) necessary maintenance or improvement of implemented storm water controls. Through this iterative process the overall benefit of the proposed action is improved quality of receiving waterbodies statewide.

Evaluation of Affected Environment and Impacts of the Proposed Project:

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] Storm water runoff is generated when precipitation and snowmelt flow over land or impervious surfaces rather than percolate into the ground. Storm water runoff associated with construction activities may carry sediment and other pollutants and increase erosion from the disturbed project site. The General Permit promotes the stability and retention of native soils through sediment and erosion control requirements as part of the storm water pollution prevention plan (SWPPP). Although the General Permit does not approve, regulate, or permit the underlying construction activities or the scope of the proposed construction project or operation, it regulates the discharge of storm water that may encounter potential pollutant sources related to construction projects. The proposed General Permit will mitigate the potential negative impacts to soil quality, stability, and moisture arising from construction activities through sediment and erosion control requirements for areas of disturbance (or exposed soils). Sediment control best management practices (BMPs) are designed to prevent soil particles carried in storm water from discharging from a construction site. These controls include silt fence, straw wattles, earthen berms, inlet protection, sediment traps, and sediment basins. Erosion control BMPs usually consist of a ground cover BMP used to prevent any of the forms of erosion from occurring such as surface roughening, diversion ditches, slope drains, velocity checks, and preservation of natural vegetation or vegetative buffers.</p> <p>Overall, issuance of MTR100000 will mitigate potential erosion and sediment migration and will support and protect natural geology, soil quality, stability, and moisture from negative impacts associated with regulated construction activities throughout Montana.</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>[N] The renewed permit will continue to protect water quality by regulating storm water discharges associated with construction activities. Each authorization under the General Permit will require implementation of a SWPPP, which includes the following key requirements: erosion and sediment controls, soil stabilization techniques, controlling dewatering activities, managing pollution prevention measures, protocols for surface outlet discharges, and prohibiting certain construction-related discharges. These key SWPPP requirements are expected to result in substantial reductions of pollutants discharged into receiving waterbodies from permitted construction projects.</p> <p>The proposed action requires owners or operators (permittees) to perform routine inspections, maintain up-to-date inspection reports on current site conditions, and perform corrective actions to maintain effective BMPs. The routine inspections require the permittees to self-monitor the implemented SWPPP for specific pollutants typical of construction activities, evaluate and update their SWPPP based on the inspection results, and minimize impacts from storm water associated with their construction activities.</p>

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RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
<p>2. Water Quality, Quantity, and Distribution: (cont.)</p>	<p>MTR100000 is not anticipated to directly affect water quantity. The construction and post-construction BMPs may include infiltration (via vegetative buffers, minimization of disturbance areas, directed runoff pathways, stabilization of swales or ditches, etc.) Runoff water can be infiltrated back into the aquifer, evapotranspired back into the water cycle, or reused through ponding. These requirements mitigate the potential increase of the quantity of water delivered to a receiving waterbody during storm events. Furthermore, these requirements potentially mitigate increases of water quantity to a receiving waterbody upon the project’s final stabilization by reducing impervious surfaces that disrupt the natural cycle of gradual percolation through vegetation and soil.</p> <p>The proposed action is not expected to affect water distribution.</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] The reissuance of MTR100000 is not expected to impact air quality. The proposed action will control water quality impacts arising from storm water discharge associated with construction activities. Disturbed areas within construction sites may contribute dust due to increased, temporary exposed soils. These permitted sites are required to implement and maintain BMPs to manage sediment on site and mitigate sediment potentially leaving the site. Additionally, BMPs may include street cleaning, which benefits air quality by controlling dust.</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 renewal of the General Permit is not expected to negatively impact vegetation cover in the project area. MTR100000 places protects vegetative cover in construction areas by requiring the following: limiting areas of disturbance, providing a natural buffer within the construction project area, maintaining natural buffers around state waters, preserving topsoil, marking and maintaining clearing limits before disturbing soils, and requiring achievement of final stabilization prior to termination of permit coverage. Disturbance of the original vegetation is temporary based on the timeframe of the project. If the project is in a developed or urban area, the original vegetation may have already been altered through previous development. The controls incorporated within the General Permit increase, restore, and maintain vegetation cover, quantity, and quality during construction activities.</p> <p>Many vegetative BMPs are landscaping features that, with optimal design and good soil conditions, remove pollutants, and facilitate percolation of runoff, thereby promoting healthier habitats, and increasing aesthetic appeal. Also, construction-related vegetative BMPs may include grassy swales, filter strips, artificial wetlands, and rain gardens. These increased and maintained landscaping features improve and enhance vegetation quantity and quality in the construction site area during the project and after final stabilization of the project.</p>

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<p>5. Terrestrial, Avian, and Aquatic Life Habitats: Is there substantial use of the area by important wildlife, birds, or fish?</p>	<p>[N] The proposed action is protective of receiving waterbodies from pollutants transported by storm water associated with construction activity. Therefore, no significant negative impacts to aquatic life and habitat are expected to result from discharges associated with construction activity in compliance with the General Permit.</p> <p>Likewise, terrestrial, and avian life and corresponding habitat will be protected by the proposed action because permittees authorized to discharge under the General Permit must implement SWPPP which involves developing and implementing controls that will reduce the potential for pollutants from construction sites to impact waterbodies through storm water runoff. Implementation of temporary and permanent BMPs outlined in the SWPPP may have a positive effect on terrestrial, avian, and aquatic life because these controls focus on minimizing erosion, limiting areas of disturbance, preserving topsoil, maintaining natural buffers near waterbodies, and stabilization of steep slopes and disturbed areas.</p> <p>Post-construction runoff requirements emphasize both storm water retention/detention BMPs. Retention or detention BMPs control storm water by gathering runoff into sediment basins such as wet ponds, dry basins, or multi-chamber catch basins. These sediment basins function as storm water impoundments and sediment accumulation reservoirs that may become new or increased habitat. Vegetative BMPs are landscaping features that, with optimal design and good soil conditions, remove pollutants, and facilitate percolation of runoff, thereby promoting healthier habitats, and increasing aesthetic appeal. Examples include grassy swales, filter strips, artificial wetlands, ponds, and rain gardens. The General Permit’s vegetative BMPs may increase and enhance terrestrial and avian life and corresponding habitats.</p>
<p>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?</p>	<p>[N] The proposed action is not expected to negatively impact unique, endangered, fragile, or limited environmental resources. The renewal of the General Permit is protective of water quality in receiving waterbodies from potential pollutants transported by storm water associated with construction activities. The General Permit will require BMPs designed to increase, restore, and maintain vegetation within the construction site which may benefit terrestrial and avian life by preserving habitat.</p> <p>The proposed action reissues the General Permit to regulate the discharge of storm water that may come into contact with potential pollutant sources from the construction activities within a project or operation site. Therefore, the proposed action may mitigate the potential negative impacts to the unique, endangered, fragile, or limited environmental resources located within, or near, the proposed construction project site. Any potential impacts to aquatic species of concern would be minimal and temporary based on the timeframe of the construction project, and factors and frequency of storm events during this timeframe. Overall, the proposed action may have a beneficial effect on unique, endangered, fragile, or limited environmental resources because MTR100000 focuses on improving water quality and encourages increased vegetation within construction project sites.</p>

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<p>7. Sage Grouse Executive Order: Is the project proposed in core, general or connectivity sage grouse habitat, as designated by the Sage Grouse Habitat Conservation Program (Program) at: https://sagegrouse.mt.gov/</p> <p>If yes, did the applicant attach documentation from the Program showing compliance with Executive Order 12-2015 and the Program’s recommendations? If so, attach the documentation to the EA and address the Program’s recommendations in the permit. If project is in core, general or connectivity habitat and the applicant did not document consultation with the Program, refer the applicant to the Sage Grouse Habitat Conservation Program.</p>	<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. 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.</p> <p>DEQ’s NOI forms for MTR100000 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>The scope of the consultation letter may cover multiple state actions associated with the proposed project. Projects not in designated sage grouse habitat are not subject to these additional NOI and authorization requirements.</p> <p>The Montana Sage Grouse Oversight Team (MSGOT) has recognized that cities and towns do not provide sagebrush habitat. MSGOT approved an exemption from the consultation requirements of Executive Order 12-2015 for proposed projects that would occur wholly within existing boundaries of incorporated cities and towns. This geographically-limited exception to the consultation requirements applies to any activity that would wholly occur within the boundaries of incorporated cities and towns as of March 28, 2016.</p>
<p>8. Historical and Archeological Sites: Are any historical, archaeological, or paleontological resources present?</p>	<p>[N] Reissuance of MTR100000 is not expected to have a direct effect on identified historical and archaeological sites. The proposed renewed General Permit requires that owners or operators seeking authorization under MTR100000 to develop and implement of SWPPP that focuses on sediment and erosion controls. Routine construction inspections ensuring effective sediment and erosion controls and regular construction site inventory will be incorporated in the SWPPP. The proposed action may have a secondary beneficial effect of reduced or controlled erosion near or within a historical or archaeological site because erosion and sediment controls are required on all regulated construction projects. Previous reissuances of the General Permit provide no indication that historical and archaeological sites will be impacted by this action.</p>
<p>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?</p>	<p>[N] As discussed above in 4 and 5, above, the benefits of the proposed action may increase the visual aesthetic appeal of regulated construction activities. The proposed action, to continue regulation of storm water associated with construction activities through renewal of the General Permit, is not expected to affect noise. During the active construction phase of a project and related operations there may be temporary aesthetic impacts (odor, visual, noise, etc.). The proposed action specifically regulates storm water associated with construction activities and not the scope of the project. The Program consultation letter, if required, may include noise or visual requirements that are specific to sage grouse. The proposed action may have a beneficial effect on odors by controlling discharges of pollutants conveyed through storm water in state surface waters, or from illicit discharges, that may be the source of odor.</p>

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<p>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 powerlines or other energy sources be needed?</p>	<p>[N] The proposed action will continue to regulate storm water discharges associated with construction activities to protect water quality. Implementation of a SWPPP (required for all permittees authorized under the General Permit) includes the following key requirements: erosion and sediment controls, soil stabilization techniques, controlling dewatering activities, managing pollution prevention measures, protocols for surface outlet discharges, and prohibiting certain construction-related discharges. The key SWPPP requirements are expected to result in substantial reductions of pollutants discharged into receiving waterbodies and protect land adjacent to the proposed construction project from sediment leaving the site. Therefore, the proposed action is intended to prevent, plan, and mitigate the potential negative effects of pollutants carried by storm water associated with construction activities and reduce the demand on resources that would result from uncontrolled storm water discharges (like contamination of local waterbodies, fish kills, and the destruction of spawning and wildlife habitats) and any consequential remediation efforts.</p>
<p>11. Impacts on Other Environmental Resources: Are there other activities nearby that will affect the project?</p>	<p>[N] No other significant impacts on other environmental resources have been identified.</p>

IMPACTS ON THE HUMAN ENVIRONMENT	
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<p>12. Human Health and Safety: Will this project add to health and safety risks in the area?</p>	<p>[N] The proposed action is designed to minimize or eliminate potential negative effects on human health from storm water discharges associated with construction activity. Contaminated storm water runoff associated with construction activities may affect human health from pollutants conveyed to receiving waterbodies used for water supplies, fishing, and recreation. The proposed action may have an overall beneficial effect on human health through the regulation construction-related stormwater discharge.</p>
<p>13. Industrial, Commercial, and Agricultural Activities and Production: Will the project add to or alter these activities?</p>	<p>[N] The proposed action is not expected to significantly impact this category. The type and location of construction activities that are subject to this General Permit are outside the scope of this action.</p>
<p>14. Quantity and Distribution of Employment: Will the project create, move, or eliminate jobs? If so, estimated number.</p>	<p>[Y] The proposed action may result in increased temporary and permanent jobs to: (1) plan and implement sediment and erosion controls throughout a project, (2) educate permittees, their agents, employees, consultants, and representative regarding storm water permitting requirements, and (3) to certify SWPPP Preparer(s) and Administrator(s). Also, tourism and recreational fishing is a source of employment through guide services and gear distribution and retailers. The issuance of the General Permit protects receiving waterbodies, which protects this sector of Montana employment.</p>
<p>15. Local and State Tax Base and Tax Revenues: Will the project create or eliminate tax revenue?</p>	<p>[N] The proposed action is not expected to significantly affect this category.</p>
<p>16. Demand for Government Services: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?</p>	<p>[N] The proposed action is not expected to significantly impact this category. The type and location of construction activities that are subject to this General Permit are outside the scope of this action.</p>

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<p>17. Locally Adopted Environmental Plans and Goals: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?</p>	<p>[N] No other government agencies have responsibility for the proposed action (issuing and administering the General Permit). Additional government agencies with potential overlapping or additional jurisdiction include local city and county governments that are required to regulate storm water discharges through their small municipal separate storm sewer systems (MS4s) discharge permits. Permitting under MTR100000 is separate from any additional localized site regulation and requirements of the MS4s.</p> <p>The subdivision review and approval process of storm drainage plans, and related designs is outside the scope of the proposed action. Subdivision reviews ensure properly engineered drainage ways for subdivisions in Montana while this proposed action is for the reissuance of the permitting mechanism developed to protect water quality from discharges of storm water associated with construction activities through all phases of the regulated construction project. The Montana Sage Grouse Habitat Conservation Program (Program) provides recommendations designed to protect sage grouse populations through a consultation process for construction projects proposed within sage grouse habitat designated by the Program. Subdivision review and the Program are outside of the scope of the proposed action to reissue MTR100000. The Program has a role of consultation, recommendation, and facilitation, and has no authority to either approve or deny a project. The Program will be further discussed in appropriate sections of this environmental assessment. Additional permitting, licenses, and authorizations may be required from governmental agencies for final project completion, or for project operation, but these additional requirements are outside the scope of the proposed action. The General Permit will protect water quality from pollutants generated from temporary construction activities and conveyed through storm water, regardless of the purpose behind the final constructed project or operation. The above described overlapping or additional authorities are peripheral to the proposed action.</p>
<p>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?</p>	<p>[N] The proposed action will have no significant impact on the access to recreational and wilderness activities. The proposed action may enhance (benefit) the quality of recreational and wilderness activities by continuing to regulate storm water discharges associated with construction activities and by protecting water quality and aquatic habitat.</p>
<p>19. Density and Distribution of Population and Housing: Will the project add to the population and require additional housing?</p>	<p>[N] The proposed action is not expected to significantly impact this category. The type and location of construction activities that are subject to this General Permit are outside the scope of this action.</p>
<p>20. Social Structures and Mores: Is some disruption of native or traditional lifestyles or communities possible?</p>	<p>[N] No change in the disruption of native or traditional lifestyles or communities is anticipated with the renewal of the General Permit.</p>
<p>21. Cultural Uniqueness and Diversity: Will the action cause a shift in some unique quality of the area?</p>	<p>[N] The renewal of the General Permit has no anticipated impact on cultural uniqueness or diversity of the area. The type and location of construction activities that are subject to this General Permit are outside the scope of this action.</p>
<p>22. Other Appropriate Social and Economic Circumstances</p>	<p>[N] No new impacts are expected.</p>

IMPACTS ON THE HUMAN ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
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]
22(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.	[N]
22(c). Private Property Impacts: If the answer to 21(b) is affirmative, does the agency have legal discretion to impose or not impose the proposed restriction or discretion as to how the restriction will be imposed? If not, no further analysis is required. If so, the agency must determine if there are alternatives that would reduce, minimize or eliminate the restriction on the use of private property, and analyze such alternatives. The agency must disclose the potential costs of identified restrictions.	[N]

23. Description of and Impacts of other Alternatives Considered:

The proposed action is the reissuance of the Montana Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activities. The alternatives considered are:

1. No Action: The Department would not reissue the General Permit under the “no action” alternative. The Department concludes that not reissuing the General Permit would allow the General Permit to expire and then General Permit coverage is no longer available for regulated construction activities. Without reissuance of MTR10000, the fifth generation and active General Permit would expire effective midnight, December 31, 2017. All permitted construction activities would be required to obtain individual permit coverage. The individual permit application process would: (1) be more expensive for the owners/operators of the construction activities with the same baseline storm water controls indicative of construction site sediment and erosion best management practices and development and implementation of a SWPPP, (2) limit flexibility needed by the permittee to predict and/or react to site conditions during the phases of a construction project, and (3) delay updated construction permitting program requirements from being implemented as the proposed action requirements are already outlined for the upcoming five years. The federal storm water Phase I and II Rules were designed to accommodate general permit issuance for construction activities, and the General Permit is the typical approach being used by the EPA and other states. The General Permit enables DEQ to provide an enforceable statewide regulatory mechanism for storm water discharges associated with construction activities where NOI packages and permit coverage can be effectively managed and expedited; and the owners/operators of construction projects can incorporate location-specific discretion to self-determine appropriate BMPs to control pollutant sources.
2. Reissuance of the General Permit with Modifications: The Department has not identified any necessary or reasonable alternatives to the proposed action.

24. Summary of Magnitude and Significance of Potential Impact:

Reissuance of this General Permit contains the full set of clear, specific, and measurable requirements necessary to meet the statutory standard of reducing pollutants to the maximum extent practicable, to protect aquatic life and human health, and to satisfy the appropriate water quality requirements of the Clean Water Act.

25. Cumulative Effects:

Unregulated and uncontrolled discharge of storm water associated with construction activities often has negative interrelated and cumulative effects such as degraded water quality which negatively impact human health, aquatic and terrestrial life, and environmental resources. The proposed action (renewal of the General Permit) is protective of receiving waterbodies statewide from pollutants transported by storm water associated with construction activities and is anticipated to have a net positive cumulative effect on the quality of storm water discharged to state waters. The reissuance of the General Permit is part of an iterative process of an adaptive management approach for storm water permitting associated with construction activities. Future proposed reissuances will continue to mitigate and reduce potential negative cumulative effects from storm water associated with construction activities.

Permittees authorized to discharge under the General Permit are required to implement a SWPPP which includes: erosion and sediment controls, soil stabilization techniques, controlling dewatering activities, managing pollution prevention measures, protocols for surface outlet discharges, and prohibiting certain construction-related discharges. SWPPP requirements are expected to result in substantial reductions of pollutants discharged into receiving waterbodies and protect land adjacent to the proposed construction project from sediment and other pollutants leaving the site. Construction activities are regulated under the General Permit until the site achieves final stabilization.

Storm water associated with construction activities cumulative effects are more easily documented through impacts to habitat and aquatic life rather than changes in the water column chemistry because storm water associated with construction activities combines with (1) storm water from regulated sources like municipal separate storm sewer systems and industrial operations, (2) private and municipal regulated point source dischargers, and (3) non-point discharges to receiving waterbodies. All sources of pollutants have the potential to cumulatively impact receiving waterbodies. Construction activities, regulated under the General Permit are temporary in nature; and the potential pollutants discharged from construction sites will vary based on storm events.

The long-term impacts from regulated construction projects may be minor compared to continuous dischargers impacting state surface waters. The proposed action maintains and further develops the current SWPPP for regulated construction activities, and thus, continues to mitigate and reduce the negative cumulative effects of storm water discharges associated with construction activities into receiving waterbodies. Secondary impacts may include downstream impacts to surface water quality and aquatic habitat. Secondary impacts will be mitigated by requiring owners and operator to comply with the WQA through the General Permit. Compliance with technology and water quality-based effluent limits including controls and BMPs will ensure storm water discharges associated with construction activities comply with Montana's surface water quality standards and maintain beneficial uses in receiving water bodies.

Reissuance of MTR10000 will prevent impacts on human health through illness from consumption of polluted water supplies, direct contact during recreational activities like swimming and fishing, and consumption of contaminated fish. Secondary effects of polluted waterbodies from unregulated and uncontrolled storm water may include a negative impact on tourism and recreational fishing and the employment associated with these industries. The proposed action requires permittees to maintain and further develop SWPPPs for regulated construction activities, and thus, continue to mitigate and reduce the cumulative and secondary effects of unregulated storm water associated with construction activities into receiving waterbodies.

26. Preferred Action Alternative and Rationale:

Issuance of the General Permit is the Preferred Action Alternative.

Per DEQ's duties to issue general permits for specific categories of point source discharges including discharges of storm water and the federal storm water Phase I and II Rules, the reissuance of MTR10000 will continue to regulate storm water discharges associated with construction activities and continue to prevent violations of water quality standards to receiving waterbodies.

The proposed action requires owners/operators of regulated construction activities to develop, implement, and update a SWPPP. The SWPPP includes erosion and sediment controls, soil stabilization techniques, controlling dewatering activities, managing pollution prevention measures, protocols for surface outlet discharges, and prohibiting certain construction-related discharges. Conducting construction activity in compliance with a SWPPP will result in substantial reductions of pollutants discharged into receiving waterbodies.

The reissuance of MTR100000 is the preferred action because the Permit will continue to provide an effective regulatory mechanism for protecting water quality from storm water discharges associated with construction activities.

Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

Rationale for Recommendation:

This environmental assessment is the appropriate level of evaluation because the proposed action is not expected to result in significant impacts on the physical and human environment. No further environmental analysis, through an environmental impact statement, is recommended.

27. Public Involvement:

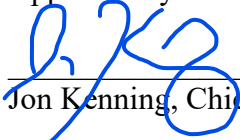
DEQ held a public meeting, public comment period, and public hearing for MTR100000.

28. Persons and Agencies Consulted in Preparation of this Analysis:

Montana Natural Heritage Program, Montana State Historic Preservation Office, and Montana Sage Grouse Habitat Conservation Program

EA Prepared by: Maya Rao, November 2021

Approved by:



Jon Kenning, Chief

October 31, 2022
Date