Montana Pollutant Discharge Elimination System (MPDES)
Multi-Sector General Permit for
Storm Water Discharges Associated with Industrial Activity

Environmental Assessment

Name of Project: Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity, MTR000000 (MSGP or MTR000000)

Type of Project:
Renewal of the Montana Pollutant Discharge Elimination System (MPDES) Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity, MPDES Permit Number MTR000000 and subsequent authorizations under that permit.

Location of Project: Statewide, excluding Indian lands as defined in 25 CFR § 502.12

Description of Project:
The proposed action is the reissuance of the Montana Pollutant Discharge Elimination System (MPDES) "Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity", MPDES Permit Number MTR000000 and subsequent authorizations under that permit. In this document, MPDES Permit Number MTR000000 is hereafter referred to as the "MSGP".

Description of the Proposed Action: The Montana Department of Environmental Quality (Department or DEQ) is proposing to reissue the MSGP through a five-year permit cycle, beginning February 1, 2023, and expiring on January 31, 2028. The MSGP is the permitting mechanism developed to provide and/or continue coverage (authorizations) for industrial activities within Montana discharging storm water to state surface waters, excluding industrial activities occurring on land within the external boundaries of Indian Reservations. The proposed action will be DEQ's seventh reissuance of the MSGP.

The General Permit reissuance (proposed action) does not approve, regulate, or permit the underlying nature of industrial activities or the scope of the industrial operations or activities on site. The MSGP reissuance regulates the discharge of storm water associated with industrial activities and mining and oil and gas activities as defined at Administrative Rules of Montana (ARM) 17.30.1102(29) and (30).

The Montana Water Quality Act (§ 75-5-101, MCA *et seq*) outlines the duties of DEQ including the issuance of permits to discharge wastes into state waters (MPDES permits). 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. This Draft Programmatic Review / Environmental Assessment of the proposed action has been prepared in accordance with the Montana Environmental Policy Act (§ 75-1-Parts 1 through 3, MCA); and ARM, Title 17, Chapter 4, subchapters 1 and 6.

Purpose and Benefits of the Proposed Action: The purpose of this action is to regulate storm water discharges associated with industrial activity. Storm water discharges associated with industrial activity are a

concern because, if uncontrolled, these activities provide a source of water pollution. In general, uncontrolled storm water runoff from industrial facilities may carry higher than normal loads of total suspended solids (TSS), chemical oxygen demand (COD), metals, oil & grease, nutrients, and other organic chemicals / compounds. Pollutant concentrations may vary considerably with respect to industrial activity type, storm events, and location. For mining activity sites, TSS is of most concern, as well as metals. If uncontrolled, storm water discharges associated with industrial activities may result in degradation of aquatic habitat and water quality.

The MSGP will require permittees to comply with effluent limits, conditions, and other requirements. The core requirement of the MSGP 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 industrial 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 industrial activities. SWPPPs are intended to be "living documents" and updated to reflect current site conditions and activities. Also, the MSGP 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.

Additional Government Agencies with Overlapping or Additional Jurisdiction, or Environmental Review Responsibility for the Proposed Action:
No other government agencies have responsibility for the proposed action (issuing and administering the MSGP). 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 the MSGP is separate from any additional localized site regulation and requirements of the MS4s. Additionally, the Montana Sage Grouse Habitat Conservation Program (Program) will provide recommendations designed to protect sage grouse populations through a consultation process for industrial facilities operating or proposing to operate within sage grouse habitat designated by the Program and subsequently, the scope of the industrial operations or activities on site. Both of these factors are outside of the scope of the proposed action to reissue the MSGP. The Program has a role of consultation, recommendation, and facilitation, and has no authority to either approve or deny operation of an industrial facility. The Program will be further discussed in appropriate sections of this environmental assessment. Additional permitting, licenses, and authorizations may be required from governmental agencies based on the nature of the industrial activity or operation, but these additional requirements are outside the scope of the proposed action. The MSGP will protect water quality from pollutants generated from industrial activities and conveyed through storm water. The above described overlapping or additional authorities are peripheral to the proposed action.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	**[Y/N] 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] 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 industrial activities may carry sediment and other pollutants dependent on the nature of the industrial activities. The MSGP promotes the stability and retention of native soils through controls focused on minimizing impervious areas and increased infiltration as part of the SWPPP. Although the MSGP does not approve, regulate, or permit the underlying nature of industrial activities or the scope of the industrial operations or activities on site, the MSGP regulates the discharge of storm water that may come into contact with potential pollutant sources as a result of these industrial operations or activities on site. The proposed MSGP will mitigate the potential negative impacts to soil quality, stability, and moisture arising from industrial activities through minimizing the exposure of industrial areas, good housekeeping techniques, maintenance, spill prevention and response procedures, management of runoff, salt storage pile management, and sediment and erosion control requirements for areas of disturbance (or exposed soils). Sediment controls are designed to prevent soil particles carried in storm water from discharging from a facility or operation. Examples of these controls include silt fence, straw wattles, earthen berms, inlet protection, sediment traps, and sediment basins. Erosion controls usually consist of a ground cover best management practice 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. Overall, issuance of the MSGP 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 industrial activities throughout Montana.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	**[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES**
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] The proposed action will continue the beneficial effects of regulating storm water discharges associated with industrial activities through a discharge permit that is designed to protect water quality. Each authorization under the MSGP will require implementation of the SWPPP, which includes the following key requirements: minimizing exposure from industrial areas, good housekeeping techniques, maintenance, spill prevention and response procedures, erosion and sediment controls, management of runoff, salt storage piles management, employee training, non-storm water discharges management, dust generation and vehicle tracking of industrial materials, and industrial sector specific requirements. The key SWPPP requirements are expected to result in substantial reductions of pollutants discharged into receiving waterbodies from permitted industrial activities. The proposed action requires owners or operators (permittees) to perform routine and significant storm event inspections, maintain up-to-date inspection reports on current site conditions, and perform corrective actions to maintain effective storm water control measures. The routine inspections require the permittees to self-monitor the implemented SWPPP for specific pollutants typical of their industrial activities and evaluate and update their SWPPP based on the inspection results. As a result, the routine inspections continuously improve the water quality by minimizing impacts from storm water associated with their industrial activities. Significant storm event inspections require the permittee to self-monitor the implemented SWPPP for effectiveness and adequacy, and update the SWPPP based on the inspection results. The proposed action requires industrial sector-specific permittees to self-monitor for specific pollutants typical for their industrial activities storm water runoff. The monitoring data allows the permittees to evaluate and update their SWPPP based on the results and continuously improve the water quality of the storm water from their facility or operation. the MSGP will not directly affect water quantity. The permanent control measures for storm water runoff 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 by reducing impervious surfaces that disrupt the natural cycle of gradual percolation through vegetation and soil. The proposed action is not expected to affect distribution.
3. Air Quality: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] Issuance of the MSGP is not expected to impact air quality. The proposed action will control water quality impacts arising from storm water discharge associated with industrial activities. Sector-specific requirements for the mining industry include dust control requirements to manage sediment on site and mitigate sediment potentially leaving the site. These requirements would also benefit air quality by controlling dust.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	**[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES**
4. Vegetation Cover, Quantity and Quality: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] Compliance with the MSGP is not expected to negatively impact, and may improve, vegetation cover within the boundaries of an industrial facility or operation. the MSGP provides limits and conditions on storm water discharges from industrial activities with requirements to minimize impervious areas and increase infiltration, reduce erosive storm water flows into waterbodies, conserve and restore riparian buffers, and salt storage pile management. Also, permanent control measures for storm water runoff include retention or detention best management practices that control storm water by conveying 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 control measures for increased infiltration include landscaping features that, with optimal design and good soil conditions, remove pollutants, and facilitate percolation of runoff, thereby promoting increased vegetation cover, healthier habitats, and increasing aesthetic appeal. Examples include grassy swales, filter strips, artificial wetlands, ponds, and rain gardens. The MSGP's focus on minimizing impervious surfaces and increased infiltration may increase and enhance vegetation cover.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	**[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES**
5. Terrestrial, Avian, and Aquatic Life Habitats: Is there substantial use of the area by important wildlife, birds, or fish?	[N] The proposed action will protect receiving waterbodies from pollutants transported by storm water associated with industrial activity. The MSGP reissuance regulates the discharge of storm water associated with industrial activities and mining and oil and gas activities. Compliance with conditions and limitations of the proposed MSGP will protect aquatic habitats from impacts associated with industrial facilities and the potential storm water discharges from their industrial activities and operations. The proposed action does not approve, regulate, or permit the underlying nature of industrial activities or the scope of the industrial operations or activities on site. Terrestrial and avian life and corresponding habitat will be protected by the proposed action because the storm water pollution prevention plan (SWPPP) develops and implements controls that will reduce the potential for pollutants from industrial areas within the permitted facility or operation to impact waterbodies through storm water runoff. Implementation of control measures outlined in the SWPPP may have a positive effect on terrestrial, avian, and aquatic life because these controls focus on preventative measures instead of reactive, minimizing impervious areas and increased infiltration, reducing erosive storm water flows into waterbodies, conserving, and restoring riparian buffers, salt storage pile management, and prohibiting specific non-storm water discharges that could negatively impact water quality. Also, permanent control measures for storm water runoff include retention or detention best management practices that control storm water by conveying 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 control measures for increased infiltration include 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 MSGP's focus on minimizing impervious surfaces and increased infiltration may increase and enhance terrestrial and avian life and corresponding habitats.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	**[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES**
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] The proposed action is not expected to impact unique, endangered, fragile, or limited environmental resources. The proposed action will protect water quality in receiving waterbodies from potential pollutants transported by storm water associated with industrial activities. Therefore, aquatic life and habitat will be protected by the MSGP, and the subsequent authorizations covered under this MSGP. the MSGP places limits and conditions on storm water discharges from industrial activities with requirements to minimize impervious areas and increase infiltration, reduce erosive storm water flows into waterbodies, conserve and restore riparian buffers, and salt storage pile management. Also, permanent control measures for storm water runoff include retention or detention best management practices that control storm water by conveying 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 control measures for increased infiltration include landscaping features that, with optimal design and good soil conditions, remove pollutants, and facilitate percolation of runoff, thereby promoting increased vegetation cover and healthier habitats. Examples include grassy swales, filter strips, artificial wetlands, ponds, and rain gardens. The MSGP's focus on minimizing impervious surfaces and increased infiltration may increase and enhance vegetation cover and benefit any endangered species or species of concern life by preserving habitat. The proposed action regulates the discharge of storm water associated with industrial activities and mitigates potential impacts to receiving waterbodies. Any potential impacts to aquatic species of concern would be minimized or eliminated through implementation of the SWPPP and inspections. Overall, the proposed action may have a beneficial effect on unique, endangered, fragile, or limited environmental resources because the MSGP focuses on improving water quality and encourages increased vegetation within.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	**[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES**
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: http://dnrc.mt.gov/divisions/cardd/sage-grouse? 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.	Projects (i.e., industrial activities as related to this MSGP) 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 facility or operation 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 package for authorization under the MSGP. The scope of the consultation letter may cover multiple state actions associated with the proposed project. DEQ updated its Notice of Intent (NOI) forms to 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. Projects not in designated sage grouse habitat are not subject to these additional application requirements. Also, 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.
8. Historical and Archeological Sites: Are any historical, archaeological, or paleontological resources present?	[N] The proposed action requires authorizations for coverage including development and implementation of a SWPPP that focuses on sediment and erosion controls. Routine inspections ensuring effective sediment and erosion controls and a site map are incorporated in the SWPPP. Issuance of the MSGP is not expected to have a direct effect on identified historical and archaeological sites. 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 within the boundaries of an industrial facility or operation. Previous reissuances of the MSGP provide no indication that historical and archaeological sites will be impacted by this action.

IMPACTS ON THE PHYSICAL ENVIRONMENT	
RESOURCE	**[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES**
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] As discussed above, the benefits of the proposed action may increase the visual aesthetic resulting from the benefits with terrestrial, avian, and aquatic life and corresponding habitats and vegetation cover, quantity, and quality. The proposed action, to continue regulation of storm water associated with industrial activities through renewal of the MSGP, is not expected to affect noise. The proposed action does not approve, regulate, or permit the underlying nature of industrial activities or the scope of the industrial operations or activities on site. The underlying nature of the industrial activities may trigger temporary aesthetic impacts (odor, visual, noise, etc.), but these potential impacts are beyond the scope of the permitting action. 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.
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?	[N] The proposed action will continue the beneficial effects of regulating storm water discharges associated with industrial activities to protect water quality. Implementation of a SWPPP includes the following key requirements: minimizing exposure from industrial areas, good housekeeping techniques, maintenance, spill prevention and response procedures, erosion and sediment controls, management of runoff, salt storage piles management, employee training, non-storm water discharges management, dust generation and vehicle tracking of industrial materials, and industrial sector specific requirements. The key SWPPP requirements are expected to result in substantial reductions of pollutants discharged into receiving waterbodies from permitted industrial activities. The proposed action requires owners or operators (permittees) to perform routine and significant storm event inspections, maintain up-to-date inspection reports on current site conditions, and perform corrective actions to maintain effective control measures. The routine inspections require the permittees to self-monitor the implemented SWPPP for specific pollutants typical of industrial activities, evaluate and update their SWPPP based on the inspection results, and continuously improve the water quality by minimizing impacts from storm water associated with their industrial activities. Significant storm event inspections require the permittee to self-monitor the implemented SWPPP for effectiveness and adequacy, and update the SWPPP based on the inspection results. The proposed action requires industrial sector-specific permittees to self-monitor for specific pollutants typical for their industrial activities storm water runoff. The monitoring data allows the permittees to evaluate and update their SWPPP based on the results and continuously improve the water quality of the storm water from their facility or operation. Overall, the proposed action is intended to prevent, plan, and mitigate the potential negative effects of pollutants carried by storm water associated with industrial 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.
11. Impacts on Other Environmental Resources: Are there other activities nearby that will affect the project?	[N] No other significant impacts on other environmental resources have been identified.

IMPACTS ON THE HUMAN ENVIRONMENT	
RESOURCE	**[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES**
12. Human Health and Safety: Will this project add to health and safety risks in the area?	[N] The proposed action is designed to minimize or eliminate potential negative effects on human health from storm water discharges associated with industrial activity. Contaminated storm water runoff associated with industrial 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 and safety.
13. Industrial, Commercial, and Agricultural Activities and Production: Will the project add to or alter these activities?	[N] The proposed action is not expected to significantly impact this category. The sector and location of industrial activities that are subject to this MSGP are outside the scope of this action.
14. Quantity and Distribution of Employment: Will the project create, move, or eliminate jobs? If so, estimated number.	[Y] The proposed action may result in increased temporary and permanent jobs to: (1) plan and implement sediment and erosion controls throughout a project, and (2) educate permittees, their agents, employees, consultants, and representative regarding storm water permitting requirements. Also, tourism and recreational fishing is a source of employment through guide services and gear distribution and retailers. The issuance of the MSGP protects receiving waterbodies, which protects this sector of Montana employment.
15. Local and State Tax Base and Tax Revenues: Will the project create or eliminate tax revenue?	[N] The proposed action is not expected to significantly affect this category.
16. Demand for Government Services: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] The proposed action is not expected to significantly impact this category. The sector and location of industrial activities that are subject to this MSGP are outside the scope of this action.
17. Locally Adopted Environmental Plans and Goals: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N] The proposed action is not expected to significantly impact this category. The sector and location of industrial activities that are subject to this MSGP are outside the scope of this action. Locally adopted environmental plans and goals may address storm water from industrial activities. The proposed action may have a beneficial effect on the local water quality.
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 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 industrial activities and by protecting water quality and aquatic habitat.
19. Density and Distribution of Population and Housing: Will the project add to the population and require additional housing?	[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.
20. Social Structures and Mores: Is some disruption of native or traditional lifestyles or communities possible?	[N] The proposed action will have no significant impact on this category.
21. Cultural Uniqueness and Diversity: Will the action cause a shift in some unique quality of the area?	[N] The proposed action will have no significant impact on this category.
22. Other Appropriate Social and Economic Circumstances	[N] No new impacts are expected.

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 Multi-Sector MSGP for Storm Water Discharges Associated with Industrial Activity. The alternatives considered are:

1. No Action: The Department would not reissue the MSGP under the "no action" alternative. The Department concludes that not reissuing the MSGP would allow the MSGP to expire and then MSGP coverage is no longer available for regulated industrial activities. Without reissuance of the MSGP, the sixth generation and active MSGP would expire effective midnight, January 31, 2023. All permitted industrial 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 industrial activities with the same baseline storm water controls indicative of industrial facilities or operations including any sector-specific control measures and development and implementation of a SWPPP, (2) potentially limit flexibility needed by the permittee to expeditiously and effectively manage their storm water controls based on current conditions, activities, and storm water issues on site, and (3) delay updated industrial storm water 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 MSGP issuance for industrial activities, and the MSGP is the typical approach being used by the EPA and other states. The MSGP enables DEQ to provide an enforceable statewide regulatory mechanism for storm water discharges associated with industrial activities where NOI packages and permit coverage can be effectively managed and expedited; and the owners/operators of facilities or operations can incorporate location-specific discretion to self-determine appropriate control measures based on potential pollutant sources from their industrial areas.
2. Reissuance of the MSGP 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:
The proposed action is protective of receiving waterbodies statewide from pollutants transported by storm water associated with industrial activities. The proposed action will have a net beneficial (positive) effect on water quality. Authorizations under the MSGP would discharge storm water in compliance with the MSGP. the MSGP proposes to continue regulating storm water discharges because unregulated and uncontrolled storm water associated with industrial activities often has interrelated and cumulative effects such as degraded water quality and loss of habitat combining to impact terrestrial, avian, and aquatic habitat and environmental resources. Storm water associated with industrial 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 industrial activities combines with (1) storm water from regulated sources like municipal separate storm sewer systems and construction sites, (2) private and municipal regulated point source dischargers, and (3) non-point discharges to receiving waterbodies. All sources of pollutants can cumulatively impact receiving waterbodies. The potential pollutants discharged from storm water regulated under the MSGP will vary based on the industrial activities associated with the facility or operation and the storm events. The long-term impacts from regulated storm water discharges associated with industrial activities may be minor compared to continuous point source dischargers impacting state surface waters. The proposed action maintains and further develops the current Storm Water Pollution Prevention Plans for regulated industrial activities, and thus, continues to mitigate and reduce the cumulative effects of storm water discharges associated with industrial 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 MSGP. Compliance with technology and water quality-based effluent limits including controls, inspections, and sector-specific benchmark monitoring will ensure storm water discharges associated with industrial activities comply with Montana's surface water quality standards and maintain beneficial uses in receiving water bodies. The MSGP is an iterative process of an adaptive management approach for storm water permitting associated with industrial activities, and future proposed reissuances will continue to mitigate and reduce potential negative cumulative effects from storm water associated with industrial activities.

The proposed action is protective of receiving waterbodies statewide from pollutants transported by storm water associated with industrial activities. The proposed action will have a net beneficial (positive) effect on storm water quality. Authorizations under the MSGP will discharge storm water in compliance with the MSGP. Reissuance of the MSGP 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 the Storm Water Pollution Plans for regulated industrial activities, and thus, continue to mitigate and reduce the cumulative and secondary effects of unregulated storm water associated with industrial 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 MSGPs 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 the MSGP will continue to regulate storm water discharges associated with industrial activities and continue to prevent violations of water quality standards to receiving waterbodies.

The proposed action requires owners / operators of regulated industrial activities to develop, implement, and update a SWPPP. The SWPPP includes the key requirements of minimizing exposure from industrial areas, good housekeeping techniques, maintenance, spill prevention and response procedures, erosion and sediment controls, management of runoff, salt storage piles management, employee training, non-storm water discharges management, dust generation and vehicle tracking of industrial materials, and industrial sector specific requirements. The proposed action requires owners or operators (permittees) to perform routine and significant storm event inspections, maintain up-to-date inspection reports on current site conditions, and perform corrective actions to maintain effective control measures. Also, the proposed action requires industrial sector-specific permittees to self-monitor for specific pollutants typical for their industrial activities storm water runoff. The monitoring data allows the permittees to evaluate and update their SWPPP based on the results. Collectively, industrial facilities and operations managing their potential storm water discharges in compliance with the SWPPP, required inspections, and benchmark monitoring will result in substantial reductions of pollutants discharged into receiving waterbodies.

The reissuance of the MSGP 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 industrial activities.

Listing and evaluation of mitigation, stipulations, and other controls enforceable by the agency or other government agencies:
Storm water discharges within regulated municipal separate storm sewer systems (MS4s) may include additional requirements based on the MS4s' Storm Water Management Program. The Montana Sage Grouse Habitat Conservation Program (Program) may provide recommendations through a consultation process for industrial activities based on initially the location of a project proposed within designated sage grouse habitats. Recommendations are based on a comparison of the proposed activity with stipulations set forth in Executive Order 12-2015 when considering the type of proposed activity and where it is located. The proposed action serves as a mechanism to ensure that water quality is protected and authorizations under the MSGP incorporate requirements imposed by the Program for sage grouse conservation. The Department has updated this MSGP NOI package and permit language to confirm whether a facility or operation will be located within designated sage grouse habitat and mitigate any potential impacts through incorporation of recommendations of a consultation process with authorizations (as needed). The Department would be the enforceable agency for any recommendations included within the MSGP's authorization letters. If violations of the WQA or the MSGP occur, the Department will initiate appropriate enforcement action under §75-5-part 5, MCA. Enforcement actions may include injunctions, civil and administrative penalties, and clean up orders. Additional permitting, licenses, and authorizations may be required from other governmental agencies due to the industrial nature of the facility or operation and these may require controls that overlap and / or supplement the MSGP requirements.

Recommendation for Further Environmental Analysis:
[ ] EIS [ ] More Detailed EA [x] 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:
There was a public meeting, public comment period, and public hearing for the MSGP.

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: Melinda Horne, January 2022

Approved by:

Jon Kenning, Chief

October 4, 2022
Date