



DRAFT ENVIRONMENTAL ASSESSMENT

February 3, 2025

**Water Quality Division
Montana Department of Environmental Quality**

PROJECT/SITE NAME: Absaloka Mine	
APPLICANT/COMPANY NAME: Westmoreland Absaloka Mining, LLC	
PROPOSED PERMIT/LICENSE NUMBER: MT0021229	
LOCATION: 100 Sarpy Creek Road, Hardin, MT 59034	COUNTY: Big Horn
PROPERTY OWNERSHIP: FEDERAL ____ STATE ____ PRIVATE <u>X</u>__	

TABLE OF CONTENTS

1.	Overview of Proposed Action.....	3
1.1.	Authorizing Action	3
1.2.	Description of DEQ Regulatory Oversight.....	3
1.3.	Proposed Action.....	3
1.4.	Purpose, Need, and Benefits.....	5
1.5.	Other Governmental Agencies and Programs with Jurisdiction.....	7
2.	Evaluation of Affected Environment And Impact by Resource.....	7
2.1.	Geology and Soil Quality, Stability and Moisture	8
2.2.	Water Quality, Quantity, And Distribution	8
2.3.	Air Quality	8
2.4.	Vegetation Cover, Quantity, and Quality.....	9
2.5.	Terrestrial, Avian, and Aquatic Life and Habitats.....	9
2.6.	History, Culture, and Archaeological Uniqueness.....	10
2.7.	Demands on Environmental Resources of Land, Water, Air, or Energy	11
2.8.	Human Health and Safety	11
2.9.	Socioeconomics.....	11
2.10.	Private Property Impacts	12
2.11.	Greenhouse Gas Assessment.....	12
3.	Description of Alternatives.....	12
4.	Consultation.....	12
5.	Significance of Potential Impacts and Need for Further Analysis	12
6.	Public Involvement	13
7.	Conclusions and Findings.....	13
8.	References.....	15
9.	Comment Summary and Responses to Substantive Comments.....	17

1. OVERVIEW OF PROPOSED ACTION

1.1. AUTHORIZING ACTION

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

1.2. DESCRIPTION OF DEQ REGULATORY OVERSIGHT

DEQ implements the Montana Water Quality Act, and is delegated authority to issue discharge permits under the federal Clean Water Act. Montana issued discharge permit are called Montana Pollutant Discharge Elimination System (MPDES) permits and are issued pursuant to Section 75-5-101, *et. seq.*, Montana Code Annotated (MCA), and the Administrative Rules of Montana (ARM) Title 17, Chapter 30, Sub-chapters 2, 5, 6, 7, 12, and 13.

DEQ has conducted additional analysis of the project and has issued air quality permit #1418-07 under the Clean Air Act of Montana pursuant to sections 75-2-204 and 211, MCA and a surface mining permit No. C1985005 under the Montana Strip and Underground Mine Reclamation Act, (82-4-201 *et seq.*, MCA).

1.3. PROPOSED ACTION

Westmoreland Absaloka Mining, LLC has applied for renewal of MPDES permit No. MT0021229. The project subject to the proposed action would be located on private land, in Hardin, Montana. All information included in this EA is derived from the permit application, discussions with the applicant, analysis of aerial photography, topographic maps, and other research tools.

Please refer to the permit Fact Sheet (MT DEQ, 2024) for additional information.

Table 1. Summary of Proposed Action

Proposed Action	
General Overview	The proposed action is to renew MPDES permit MT0021229 issued to Westmoreland Resources, Inc. for the discharge of treated wastewaters from the Absaloka Mine to an ephemeral tributary to Sarpy Creek, ephemeral tributaries to Middle Fork Sarpy Creek, and ephemeral tributaries to East Fork Sarpy Creek in Hardin, MT. The permit specifies both effluent limitations and monitoring requirements.
Duration	The proposed action is to renew MPDES permit MT0021229 for a term of five years.

Estimated Disturbance	5154 acres disturbed by surface coal mining activities as of 2023.
Construction Equipment	Limited use of construction equipment to support the construction and maintenance of settling ponds associated with permitted outfalls for this proposed MPDES permit renewal, no increased construction equipment use is anticipated.
Personnel Onsite	Sufficient personnel onsite to construct and maintain settling ponds associated with permitted outfalls and to collect discharge samples as prescribed by the MPDES permit, no change in personnel needs above previous permit cycle is anticipated.
Location and Analysis Area	<p>Location: Portions of T1N, R37E Sections: 23, 24, 25, 26, 35, and 36 T1N, R38E Sections: 19, 20, 21, 29, 30, 31, and 32 T1S, R38E Sections: 3, 4, 5, 8, 9 and 10</p> <p>Analysis Area: The area being analyzed as part of this environmental review includes the immediate project area (Figure 1), as well as neighboring lands surrounding the analysis area, as reasonably appropriate for the impacts being considered.</p>
The applicant is required to comply with all applicable local, county, state, and federal requirements pertaining to the following resource areas.	
Air Quality	DEQ has issued air quality permit #1418-07 to this facility. No air quality regulations apply for issuance of the MPDES permit.
Water Quality	The applicant proposes to discharge process wastewater associated with surface coal mining, processing, and handling to unnamed ephemeral tributaries to Sarpy Creek, Middle Fork Sarpy Creek and East Fork Sarpy Creek. Effluent limitations and monitoring provisions to ensure compliance with surface water quality standards, including the protection of beneficial uses, are included in the proposed MPDES permit renewal.
Erosion Control and Sediment Transport	The applicant proposes to implement Best Management Practices (BMPs) for erosion and sediment control including but not limited to: maintenance of conveyance structures, sediment capture, sediment ponds, recontouring, soil redistribution, establishment of vegetation and establishment of sediment control measures for site-specific control). For more information, please refer to the permit Fact Sheet (DEQ, 2024).
Solid Waste	The MPDES permit does not allow for solid waste disposal.
Cultural Resources	This permitting action would not affect cultural resources. Westmoreland Absaloka Mining, LLC is required to comply with applicable local, county, state and federal requirements pertaining to cultural resources.

Cumulative Impact Considerations	
Past Actions	Absaloka Mine is a surface coal mine that has operated since 1974 under surface mine permit C1985005 (MT DEQ, 2024ii). The facility was issued air quality permit #1418-07 in 2017 (MT DEQ 2017). The facility was issued

	MPDES renewal permit coverage in 2015. The facility expanded mining activities onto the Crow Reservation in 2009, requiring issuance of NPDES permit MT0030783, most recently renewed in 2023 (EPA 2023).
Present Actions	Absaloka Mine has current MPDES permit coverage under the 2015 permit, surface mine permit coverage under C1985005, and air quality permit #1418-07. No other present MPDES or other related state actions.
Related Future Actions	No other applications under consideration.

1.4. PURPOSE, NEED, AND BENEFITS

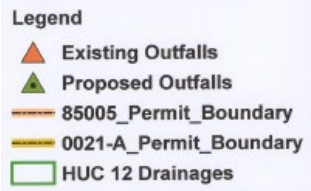
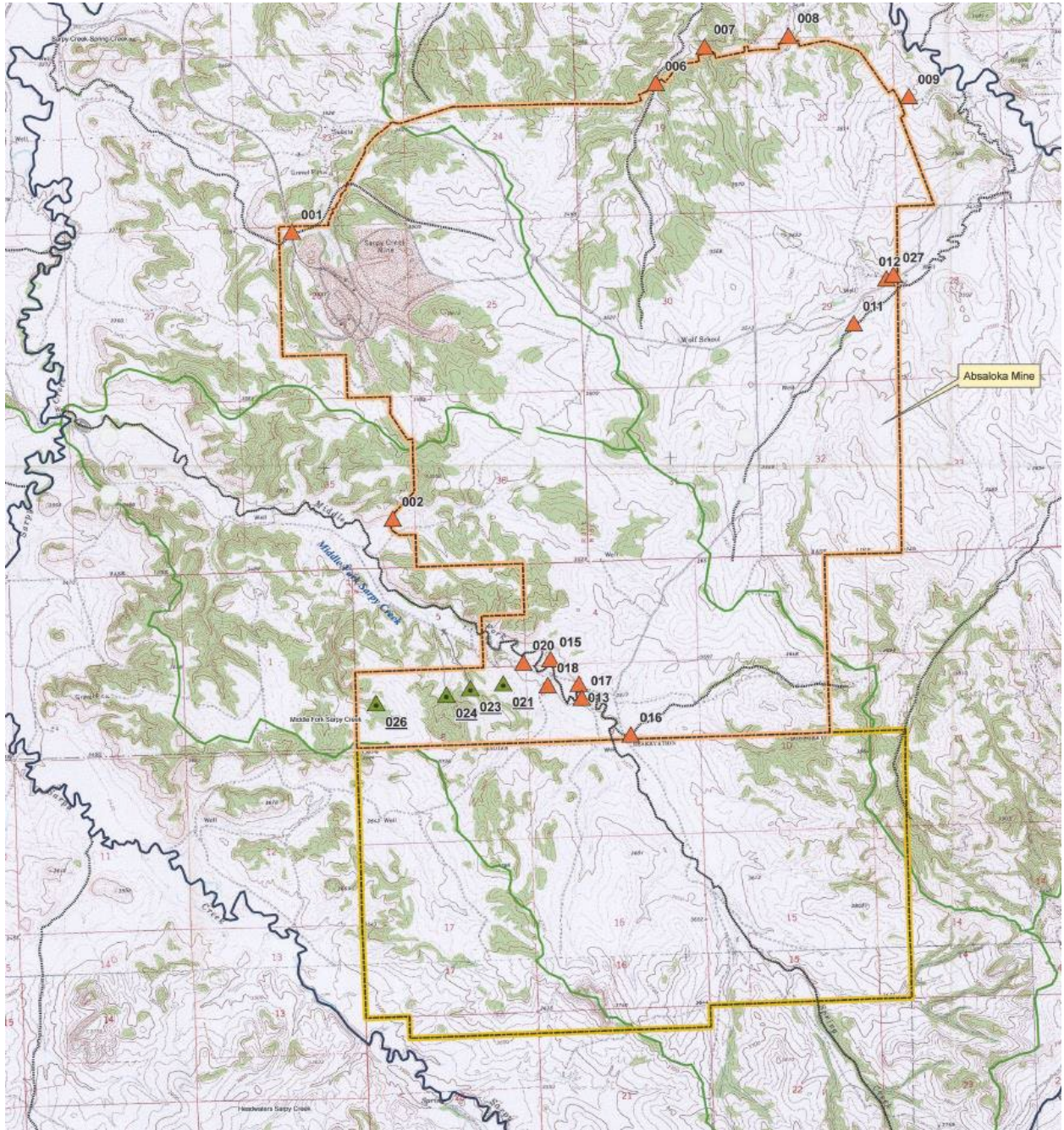
DEQ's purpose in conducting this environmental review is to act upon Westmoreland Absaloka Mining, LLC's application to renew their permit to discharge wastewater to an ephemeral tributary to Sarpy Creek, ephemeral tributaries to Middle Fork Sarpy Creek, and ephemeral tributaries to East Fork Sarpy Creek. DEQ's action on the permit application is governed by § 75-5-101, *et seq.*, Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM) Title 17, Chapter 30, Sub-chapters 2, 5, 6, 7, 12, and 13.

The applicant's purpose and need, as expressed to DEQ in seeking this action, is to discharge process wastewater associated with surface coal mining, processing, and handling to unnamed ephemeral tributaries to Sarpy Creek, Middle Fork Sarpy Creek and East Fork Sarpy Creek. Effluent limitations and monitoring provisions to ensure compliance with surface water quality standards, including the protection of beneficial uses, are included in the proposed MPDES permit renewal.

Figure 1. General Location of the Proposed Project

85005 permit boundary indicates the boundary of surface mine permit C1985005 area

0021_A boundary indicates Absaloka South Mine Extension area located on the Crow Reservation where coal mining activities are permitted under OSMRE Surface Mining Permit MT-0021C and surface water discharges are permitted are covered by NPDES permit MT0030783 issued by EPA Region 8.



1.5. 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. Other governmental agencies which may have overlapped, or additional jurisdiction include but may not be limited to: the Environmental Protection Agency (EPA), the Office of Surface Mining, Reclamation and Enforcement (OSMRE), the United States Fish & Wildlife Service (USFWS), Montana Fish Wildlife & Parks (MT FWP), the Montana Department of Natural Resources and Conservation (DNRC), and The Crow Nation.

2. EVALUATION OF AFFECTED ENVIRONMENT AND IMPACT BY RESOURCE

The impact analysis will identify and evaluate direct and secondary impacts to the physical environment and human population in the area to be affected by the proposed project.

Direct impacts occur at the same time and place as the action that causes the impact. *Secondary impacts* are a further impact to the human environment that may be stimulated, induced by, or otherwise result from a direct impact of the action. (ARM 17.4.603(18)) Where impacts would occur, the impacts will be described in this analysis.

Cumulative impacts are the collective impacts on the human environment within the borders of Montana of the Proposed Action when considered in conjunction with other past and present actions related to the Proposed Action by location and generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or permit processing procedures. The projects identified in Table 1 were analyzed as part of the cumulative impacts assessment for each resource.

The duration is quantified as follows:

- **Construction Impacts (short-term):** These are impacts to the environment during the construction period. When analyzing duration, please include a specific range of time.
- **Operation Impacts (long-term):** These are impacts to the environment during the operational period. When analyzing duration, please include a specific range of time.

The intensity of the impacts is measured using the following:

- **No impact:** There would be no change from current conditions.
- **Negligible:** An adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** The effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** The effect would be easily identifiable and would change the function or integrity of

the resource.

- **Major:** The effect would alter the resource.

2.1. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE

The facility's geology is primarily Tongue River Member of Fort Union Formation (Tftr), characterized by Yellowish orange sandstone, sandy and silty carbonaceous shale and coal. Alluvial plain. Thickness <300 m.

Soils are predominantly (>75% of land area covered by coal permit) Ustic Torriorthents, chiefly of the Thedalund (>47%) and Nelson (28%) series which are moderately susceptible to detachment and produce moderate runoff.

Direct, Secondary, & Cumulative Impacts

While regulated discharges are not expected to impact soils and geology, the construction and maintenance of settling ponds associated with permitted outfalls may result in minor impacts to soils and geology within the areas of disturbance. Comprehensive reclamation and mitigation measures are required by the surface mining permit to protect soils, geology, and associated land uses.

2.2. WATER QUALITY, QUANTITY, AND DISTRIBUTION

Direct Impacts

The MPDES permit incorporates the most recent Water Quality Standards approved by DEQ. The MPDES permit includes effluent limits, monitoring requirements and other permit conditions that would ensure the water quality standards and beneficial uses are protected. The resulting effluent limitations are either equal to or more stringent than those in the previous permit. DEQ's Mining Bureau coal program requires additional surface and ground water monitoring as part of the surface mining permit (MT DEQ 2024ii). The coal program evaluates cumulative hydrologic impacts as part of ongoing amendments and modification to the surface mining permit.

Secondary Impacts

See permit Fact Sheet (MT DEQ, 2024). The conditions and requirements of the permit would protect beneficial uses of the receiving water and downstream uses. Secondary impacts are not expected.

Cumulative Impacts

To the south of the facility the applicant holds NPDES permit MT0030783 issued by the United States Environmental Protection Agency (EPA) for surface coal mining associated discharges occurring on the Crow Reservation. No other MPDES discharge permits are in the vicinity of this facility.

2.3. AIR QUALITY

The facility is located ~5.25 miles north of a Class I airshed (Northern Cheyenne Reservation).

Direct Impacts

Only minimal and short-term impacts on air quality resulting from the renewal of the MPDES permit are expected, inclusive of vehicle and equipment use necessary to conduct water sampling activities and vehicle use construction and maintenance of settling ponds associated with MPDES outfalls.

Secondary Impacts

The renewal of the MPDES permit is not expected to have secondary impacts on air quality.

Cumulative Impacts

DEQ has issued air quality permit #1418-07 to limit any detrimental effect to air quality.

2.4. VEGETATION COVER, QUANTITY, AND QUALITY

Big Horn County's vegetation cover is primarily characterized as cool semi-desert scrub & grassland (39% of land cover), temperate and boreal grassland and shrubland (26%), Temperate & Boreal Forest & Woodland (22%), and Herbaceous Agricultural Vegetation (9%). 9,150 acres have been impacted by current and historic mining activity.

Species of concern in Big Horn Co include: *Almutaster pauciflorus* (Alkali Marsh Aster), *Astragalus aretioides* (Sweetwater Milkvetch), *Astragalus barrii* (Barr's Milkvetch), *Astragalus ceramicus* var. *filifolius* (Painted Milkvetch), *Cirsium pulcherrimum* (Wyoming Thistle), *Cleome lutea* (Yellow Beeplant), *Dalea enneandra* (Nine-anther prairie clover), *Erigeron allocotus* (Big Horn Fleabane), *Eupatorium maculatum* (Spotted Joepye-weed), *Grayia spinosa* (Spiny Hopsage), *Helianthus pumilus* (Little Sunflower), *Ipomoea leptophylla* (Bush morning-glory), *Lomatium nuttallii* (Nuttall Desert-parsley), *Mentzelia nuda* (Bractless blazingstar), *Mentzelia pumila* (Dwarf mentzelia), *Physaria didymocarpa* var. *lanata* (Woolly Twinpod), *Rorippa calycina* (Persistent-sepal Yellow-cress), *Senecio eremophilus* (Desert Groundsel), *Sullivantia hapemanii* (Wyoming Sullivantia), *Symphotrichum molle* (Soft Aster), *Triodanis leptocarpa* (Slim-pod Venus'-looking-glass), *Viburnum lentago* (Nannyberry), *Carex gravida* (Heavy Sedge), *Sporobolus compositus* (Tall Dropseed). (Montana Natural Heritage Program)

No threatened plant or vascular species of concern are known to inhabit permitted mine area.

Direct Impacts

The project is a proposed renewal of an existing MPDES permit. The renewal of this permit should have no direct impacts on the vegetation cover, quantity, or quality as this is an existing facility.

Secondary Impacts

No secondary impacts to vegetation cover, quantity, or quality are expected.

Cumulative Impacts

Reclamation activities are regulated under the surface mining permit which includes post mining land use. Reissuing the MPDES permit would allow coordination and control of restoring final land use and hydrologic function in disturbed areas included as requirements of the surface mining permit.

2.5. TERRESTRIAL, AVIAN, AND AQUATIC LIFE AND HABITATS

The Northwest corner of the facility area is located within Sage Grouse Executive Order General Habitat.

Species of concern in Big Horn Co. include: *Cynomys ludovicianus* (Black-tailed Prairie Dog), *Lasiurus borealis* (Eastern Red Bat), *Mustela nigripes** (Black-footed Ferret), *Myotis evotis* (Long-eared Myotis), *Myotis lucifugus* (Little Brown Myotis), *Myotis thysanodes* (Fringed Myotis), *Myotis Volans* (Long-legged Myotis), *Sorex merriami* (Merriam's Shrew), *Aquila chrysaetos* (Golden Eagle), *Ardea Herodias* (Great Blue Heron), *Artemisiospiza nevadensis* (Sagebrush Sparrow), *Athene cucularia* (Burrowing Owl), *Calcarius ornatus* (Chestnut-collared Longspur), *Catharus fuscescens* (Veery), *Centrocercus urophasianus* (Greater Sage-Grouse), *Centronyx bairdii* (Baird's Sparrow), *Coccothraustes vespertinus* (Evening Grosbeak), *Coccyzus erythrophthalmus* (Black-billed Cuckoo), *Dolichonyx oryzivorus* (Bobolink), *Gymnorhinus cyanocephalus* (Pinyon Jay), *Haemorhous cassinii* (Cassin's Finch), *Lanius ludovicianus* (Loggerhead Shrike), *Melanerpes lewis* (Lewis's Woodpecker), *Nucifraga Columbiana*

(Clark's Nutcracker), *Numenius americanus* (Long-billed Curlew), *Oreoscoptes montanus* (Sage Thrasher), *Pipilo chlorurus* (Green-tailed Towhee), *Poliioptila caerulea* (Blue-gray Gnatcatcher), *Spizella breweri* (Brewer's Sparrow), *Apalone spinifera* (Spiny Softshell), *Chelydra serpentina* (Snapping Turtle), *Heterodon nasicus* (Plains Hog-nosed Snake), *Lampropeltis gentilis* (Western Milksnake), *Phrynosoma hernandesi* (Greater Short-horned Lizard), *Anaxyrus cognatus* (Great Plains Toad), *Oncorhynchus virginalis* (Rocky Mountain Cutthroat Trout), *Sander canadensis* (Sauger), *Danaus plexippus* (Monarch), *Oreohelix pygmaea* (Pygmy Mountainsnail)

Special Status Species in Bighorn Co. include:

Leucrocuta petersi (Mayfly)

Areas within the permitted boundaries have been inventoried and evaluated for critical habitat for wildlife. Restoration of habitat is a land use requirement in the reclamation plan included in the surface mining permit.

All known wetlands have been identified for the mine's surface mine permit (MT DEQ 2024ii).

The surface mine permit contains a threatened or endangered species review (MT DEQ 2024ii). No communal or critical bald eagle roosts are present, and no colonies or complexes of black-tailed prairie dog or black-footed ferret have been observed.

Direct Impacts

The project is a proposed renewal of an existing MPDES permit. The renewal of this permit is not anticipated to have direct impacts on the terrestrial, avian or aquatic habitat of the existing project area.

Secondary Impacts

The project is a proposed renewal of an existing MPDES permit. The renewal of this permit is not anticipated to have secondary impacts on the terrestrial, avian or aquatic habitat of the existing project area.

Cumulative Impacts

Restoration of habitat is a land use requirement in the reclamation plan of the surface mine permit (MT DEQ 2024ii).

2.6. HISTORY, CULTURE, AND ARCHAEOLOGICAL UNIQUENESS

Cultural resource inventories have been conducted within permit boundaries for the surface mine permit. The surface mine permit addresses impacts to both known and discoverable cultural resources. There are no anticipated impacts to cultural resources resulting from reissuance of the MPDES permit.

It is not anticipated that this project would cause a change in any unique quality of the area.

Direct Impacts

There are no anticipated direct impacts on the history, culture, and archeological uniqueness of the project area due to the renewal of this permit on an existing facility and storage reservoir.

Secondary Impacts

No secondary impacts on the history, cultural, or archeological uniqueness of the project area are anticipated.

Cumulative Impacts

The surface mine permit addresses impacts to both known and discoverable cultural resources. There are no anticipated impacts to cultural resources resulting from proposed reissuance of the MPDES permit.

2.7. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR, OR ENERGY

This is an existing facility. Proposed renewal of the MPDES permit is not anticipated to result in additional demands on land, water, air, or energy. The Proposed Action is in an area that has already undergone disturbance by the construction and operation of the Mine. Significant new impacts on land, water, air, or energy resources are not expected.

Direct Impacts

There are no direct impacts anticipated on the demands of land, water, air, or energy resources of the project area.

Secondary Impacts

No secondary impacts on the land, water, air, or energy resources are anticipated

Cumulative Impacts

Land reclamation activities are regulated under the surface mining permit. No additional cumulative impacts on land, water, air, or energy resources are anticipated as a result of the proposed renewal of the MPDES permit.

2.8. HUMAN HEALTH AND SAFETY

The applicant is required to adhere to all applicable state and federal safety laws. The Occupational Safety and Health Administration (OSHA) has developed rules and guidelines to reduce the risks associated with this type of labor. Few, if any, members of the public would be in immediate proximity to the project during construction or operations.

Direct Impacts

No direct impacts to human health and safety are anticipated due to the renewal of this permit.

Secondary Impacts

No secondary impacts on human health and safety are anticipated due to the renewal of this permit.

Cumulative Impacts

No cumulative impacts are anticipated to human health and safety from the renewal of this permit.

2.9. SOCIOECONOMICS

The project would occur on private land. Big Horn Co. has a population of 12,851. The proposed permit renewal is for a term of 5 years. The project area would be subject to any plans or rules set forth by Big Horn County and Surface Mining Permit C1985005 and Air Quality Permit #1418-07. The Proposed Action is in an area that has already been impacted by the construction and operation of the Mine. Significant new direct, secondary, or cumulative impacts on area socioeconomics are not expected.

Direct, Secondary, & Cumulative Impacts

No impacts to socioeconomics are anticipated as a result of the proposed renewal of the

2.10. PRIVATE PROPERTY IMPACTS

The proposed project would take place on private land owned by the applicant. DEQ's approval of MT0021229 would affect the applicant's real property. DEQ has determined, however, that the permit limitations and conditions are necessary to ensure compliance with applicable requirements under the Clean Water Act and Montana Water Quality Act. Therefore, DEQ's approval of MT0021229 permit/license would not have private property-taking or damaging implications.

2.11. GREENHOUSE GAS ASSESSMENT

Some vehicle traffic associated with the construction and maintenance of settling ponds as well as sampling required for MPDES permit compliance would occur, but no increase in such vehicle traffic is anticipated as a result of this renewal.

Issuance of this permit does not authorize the use of equipment and/or vehicles.

Direct, Secondary, & Cumulative Impacts

The Proposed Action is in an area that has already undergone disturbance by the construction and operation of the Mine. Significant new direct, secondary, and cumulative impacts resulting from increased GHG emissions are not expected.

3. DESCRIPTION OF ALTERNATIVES

No Action Alternative: In addition to the proposed action, DEQ must also consider a "no action" alternative. The "no action" alternative would deny the approval of MT0021229. The applicant would lack the authority to conduct the proposed activity. Any potential impacts that would result from the proposed action would not occur. The no action alternative forms the baseline from which the impacts of the proposed action can be measured.

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

4. CONSULTATION

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

- Montana Natural Heritage Program
- Montana State Historic Preservation Office
- Geologic Map of Montana: Montana Bureau of Mines and Geology Geologic Map 62
- USGS GAP/LANDFIRE National Terrestrial Ecosystems 2011
- USDA NRCS Web Soil Survey

5. 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.

An EIS is not required under the Montana Environmental Policy Act (MEPA) because the project lacks significant adverse effects to the human and physical environment based on above listed criteria.

6. PUBLIC INVOLVEMENT

A 30-day public comment period will be held.

7. CONCLUSIONS AND FINDINGS

The preferred proposed action is to issue the MPDES permit. This action is preferred because the permit program provides the regulatory mechanism for protecting water quality by enforcing the terms of the MPDES permit.

Environmental Assessment and Significance Determination Prepared By:

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Environmental Assessment Reviewed By:

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Date

8. REFERENCES

- MT DEQ: Air, Energy, & Mining Division. 2017. Montana Department of Environmental Quality Air Quality Permit [#1418-07](#)
- ARM Title 17, Chapter 30, Sub-chapter 2 - Water Quality Permit Application and Annual Fees.
- ARM Title 17, Chapter 30, Sub-chapter 5 - Mixing Zones in Surface and Ground Water.
- ARM Title 17, Chapter 30, Sub-chapter 6 - Surface Water Quality Standards.
- ARM Title 17, Chapter 30, Sub-chapter 7 - Nondegradation of Water Quality.
- ARM Title 17, Chapter 30, Sub-chapter 12 and 13 - Montana Pollutant Discharge Elimination System Standards.
- EPA. 2023. [Statement of Basis for National Pollutant Discharge Elimination System permit MT0030783](#)
- EPA. 2023ii. [National Pollutant Discharge Elimination System Permit MT0030783](#).
- Heritage Program, Environmental Summary, Montana Natural Heritage Program (mtnhp.org), Accessed 30 November 2023.
- Office of Water Office of Science and Technology Engineering and Analysis Division U.S. Environmental Protection Agency. 2001. [Development Document for Final Effluent Limitations Guidelines and Standards for the Western Alkaline Coal Mining Subcategory](#).
- Montana Historical Society: Montana State Historic Preservation Office. [Montana Cultural Resource Database](#). Accessed 08/23/24.
- Montana Water Quality Act, MCA 75-5-101 et. seq.
- MT DEQ. 2024. Fact Sheet for Montana Pollution Discharge Elimination System Permit MT0021229, Westmoreland Resources, Inc. Absaloka Mine.
- MT DEQ. 2024ii. [Coal Permit C1985005](#). Absaloka Mine.
- United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), [Web Soil Survey](#), National Cooperative Soil Survey. Accessed 08/23/24.
- United States Geologic Survey. 2011. [GAP/LANDFIRE National Terrestrial Ecosystems](#). Accessed 08/26/24.
- Vuke, SM, KW Porter, JD Lonn, & DA Lopez. 2007. [Geologic Map of Montana: Montana Bureau of Mines and Geology Geologic Map 62](#)

9. COMMENT SUMMARY AND RESPONSES TO SUBSTANTIVE COMMENTS

Remove this section before publishing draft documents or final documents for which there was no public comment period. For final documents with comments, include responses to substantive comments.