



## **DRAFT ENVIRONMENTAL ASSESSMENT**

**March 2026**

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

**PROJECT/SITE NAME: Heron Creek Subdivision**

**APPLICANT/COMPANY NAME: Sussex Development Inc.**

**PROPOSED PERMIT/LICENSE NUMBER: MTX000210**

**LOCATION: NW ¼, Section 12, Township 10 North, Range 2 West  
Latitude: 46.64320° Longitude: -111.80340°**

**COUNTY: Lewis and Clark County**

**PROPERTY OWNERSHIP: FEDERAL**

**STATE**

**PRIVATE X**

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# 1 OVERVIEW OF PROPOSED ACTION

## 1.1 Authorizing Action

Under the Montana Environmental Policy Act (MEPA), Montana agencies are required to prepare an environmental review for state actions that may have an impact on the Montana environment. The Proposed Action is considered to be a state action that may have an impact on the Montana environment and, therefore, the Department of Environmental Quality (DEQ) must prepare an environmental review. This EA will examine the proposed action and alternatives to the proposed action and disclose potential and proximate 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 administers the Montana Water Quality Act, issuing Montana Ground Water Pollutant Control System (MGWPCS) discharge permits pursuant to Title 75, Chapter 5, part 4, Montana Code Annotated (MCA). Regulations governing MGWPCS permitting are codified at Administrative Rules of Montana (ARM) Title 17, Chapter 30, Sub-chapter 10.

## 1.3 Proposed Action

Ron Bartsch (Permittee) has applied for a renewal Montana Ground Water Pollutant Control System (MGWPCS) permit for the Heron Creek Subdivision (Facility) under the Water Quality Act of Montana to discharge treated domestic wastewater to ground water. The facility is located on private land, in Helena, 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. See the Fact Sheet (MT DEQ, 2026) for more information.

**Table 1. Summary of Proposed Action**

<b>General Overview</b>	The proposed action is to renew the existing individual MGWPCS permit. The permit contains effluent limitations, special conditions, best management practices, wastewater monitoring and reporting, and ground water monitoring and reporting requirements. The permit is issued under the authority of the Montana Water Quality Act.  Design, construction, operation, and maintenance of the facility are regulated by DEQ's engineering programs and are not related to this permitting action. This permitting action is to regulate the discharge of pollutants to ground water by monitoring effluent and ground water quality for the five-year permit duration. See the Permit for the legally binding requirements and the Fact Sheet for the technical rationale behind permitting decisions.
<b>Personnel Onsite</b>	Operation: One contractor/operator for effluent and ground water sampling.

<b>Location and Analysis Area</b>	<p><b>Location:</b> Latitude: 46.64320° Longitude: -111.80340°</p> <p><b>Analysis Area:</b> The area being analyzed as part of this environmental review includes the immediate project area (<b>Figure 1</b>), as well as neighboring lands surrounding the analysis area, as reasonably appropriate for the impacts being considered.</p>
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**Table 2. The applicant is required to comply with all applicable local, county, state, and federal requirements pertaining to the following resource areas.**

<b>Air Quality</b>	No air quality regulations apply for issuance of the MGWPCS permit.
<b>Water Quality</b>	The applicant proposes to renew existing MGWPCS permit coverage and comply with requirements for discharge to state waters.
<b>Erosion Control and Sediment Transport</b>	Erosion control and sediment transport regulations do not apply to a domestic wastewater treatment plant.
<b>Solid Waste</b>	No solid waste regulations apply for issuance of the MGWPCS permit.
<b>Cultural Resources</b>	Accessed Montana Cultural Resource Database on 3/26/26. No historical sites present in project area. The permitting action will not affect cultural resources.
<b>Hazardous Substances</b>	Hazardous waste disposal is not allowed under the MGWPCS permit.

**Table 3. Cumulative Impacts**

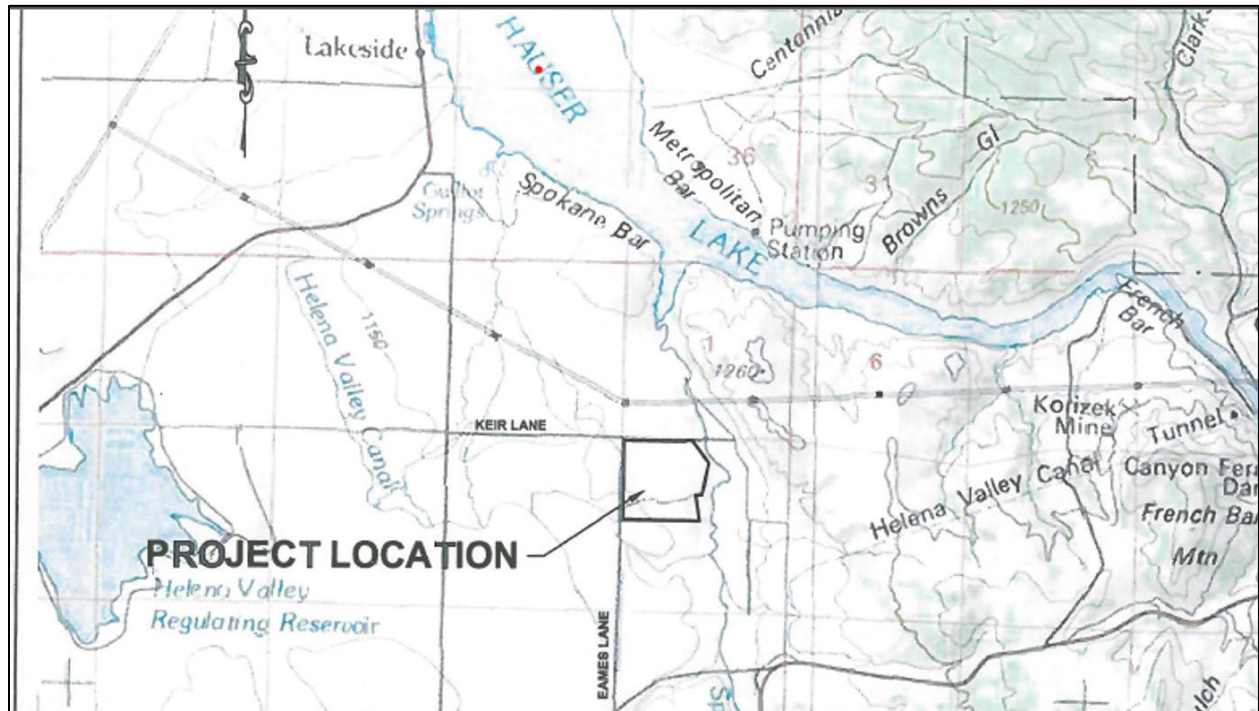
<b>Past Actions</b>	MGWPCS permit coverage was first issued in 2009 and established effluent and sampling and reporting requirements. It has since maintained MGWPCS permit coverage and is included within Present Actions to renew existing coverage
<b>Present Actions</b>	The permitting action will regulate the discharge of domestic in nature residential-strength wastewater discharged to Class I ground waters.
<b>Related Future Actions</b>	There are no other applications under consideration for the analysis area. Future actions within the analysis area must meet the minimum set back requirements per DEQ’s Public Water, Subdivision, and State Revolving Fund programs.

### 1.4 Purpose, Need, and Benefits

DEQ's purpose in conducting this environmental review is to act upon Permittee’s application for a permit to discharge treated wastewater to ground water. 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, 7, and 10.

The applicant's purpose and need, as expressed to DEQ in seeking this action, is to discharge treated wastewater from a subsurface discharge structure (Outfall 001) into Class I ground water. Effluent limitations and monitoring provisions to ensure compliance with surface water quality standards, including the protection of beneficial uses, are included in the proposed MGWPCS permit renewal.

**Figure 1. General Location of the Proposed Project**



**Figure 1. Regional Location of the Heron Creek Subdivision near Helena, Montana.**

### **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: Montana Department of Natural Resources, Montana Department of Fish Wildlife and Parks, United States Forest Service, U.S. Fish and Wildlife Service, U.S Army Corps of Engineers, and Lewis and Clark County.

## 2 EVALUATION OF AFFECTED ENVIRONMENT AND IMPACT BY RESOURCE

The impact analysis will identify and evaluate the proximate direct and secondary impacts to the physical environment and human population in the area to be affected by the project. Direct impacts occur at the same time and place as the action that causes the impact. Secondary impacts are a further impact to Montana's 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. When the analysis discloses environmental impacts, these are proximate impacts pursuant to 75-1-201(1)(b)(iv)(A), MCA.

Cumulative impacts are the collective impacts on Montana's 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.

As noted in Table 1, the design, construction, operation, and maintenance of the facility are regulated by DEQ's engineering programs and are not related to this proposed permitting action. Accordingly, the scope of this analysis includes only those operational impacts that may reasonably be expected to occur during the five-year permit term.

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

*This section includes the following resource areas, as required in ARM 17.4.609: Geology; 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?*

#### **Direct Impacts**

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current MGWPCS (Montana Ground Water Pollution Control System) permit action (DEQ, 2026). **No impact.**

#### **Secondary Impacts**

Secondary impacts to geology and soil quality, stability and moisture are not expected with this permitting action. **No impact.**

### **Cumulative Impacts**

Cumulative impacts to geology and soil quality, stability and moisture are not expected with this permitting action. **No impact.**

## **2.2 Water Quality, Quantity, And Distribution**

***This section includes the following resource areas, as required in ARM 17.4.609: Water Quality, Quantity and Distribution***

*Are any surface or groundwater resources present in the analysis area? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels or degradation of water quality?*

### **Direct Impacts**

See the Fact Sheet (DEQ, 2026) for information regarding the receiving water classification, beneficial uses, water quality standards, nondegradation, and water quality based effluent limit development.

In order to maintain beneficial uses of the aquifer, DEQ performed an analysis on the potential impacts that this project may have on the aquifer. The resulting projections indicate that the nitrate levels downgradient of the drainfield should meet water quality standards and that all beneficial uses will be maintained.

The facility covered under this permit must show evidence of treatment capable of meeting the established effluent limitation which was derived from the most restrictive ground water quality standards and significance criteria. This effluent limitation, along with special conditions and standard conditions of the permit has been developed to maintain the beneficial uses of all state ground waters including drinking water. Facilities must be able to meet this restrictive effluent limitation prior to discharge.

A ground water monitoring network was established in 2026 as part of the Permittee's requirement to study site-specific hydrogeology at the facility. This network should be maintained to provide ongoing monitoring of the health of the aquifer as part of the MGWPCS permit. All reported data is available to the public.

All discharge disposal structures must meet the minimum set back requirements which includes surface water, flood plains, ditches and springs. The applicant is encouraged to contact and consult with the Public Water, Subdivision and State Revolving Fund programs at DEQ.

Construction activities may impact water quality by contributing discharges of sediment to surface waters. The permittee may be required to obtain permit coverage under a Montana Pollutant Discharge Elimination System (MPDES) General Permit for Storm Water Discharges Associated with Construction Activity. The permittee may be required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which includes best management practices to protect nearby surface waters.

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current MGWPCS (Montana Ground Water Pollution Control System) permit action (DEQ, 2026). **No impact.**

### ***Secondary Impacts***

The wastewater discharge authorized by this permitting action may elevate pollutant levels above previous ambient conditions. However, as long as the facility operates within the bounds of their MGWPCS permit, no pollution will occur per Montana's Nondegradation Policy (MCA 75-5-303, ARM 17.30 Subchapter 7).

See the Fact Sheet (DEQ, 2026) for information regarding the receiving water classification, beneficial uses, water quality standards, nondegradation, and water quality based effluent limit development.

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current MGWPCS (Montana Ground Water Pollution Control System) permit action (DEQ, 2026). **No impact.**

### ***Cumulative Impacts***

DEQ considered cumulative environmental impacts of the construction and operation of the facility and found no significant adverse effects on water quality, the human environment, and the physical environment. The DEQ analysis included the cumulative impact from other past and present actions.

All major discharge permitting actions, including the current action and any future actions, will include any substantive information derived from public input relating to potential impacts on the human environment and on water quality. All future actions related to this current action will be addressed by DEQ through additional discharge permitting process procedures. Any actions that are outside the purview of the discharge permit may not be addressed by DEQ until the next permitting action takes place.

To protect beneficial uses, there shall be no increase of a pollutant to a level that renders the waters harmful, detrimental, or injurious. Therefore, no wastewaters may be discharged such that the wastewater either alone or in combination with other wastes will violate or can reasonably be expected to violate any standard.

The allowable discharge will be derived from a mass-balance equation that determines the assimilative capacity of the receiving aquifer. This factors in the cumulative impacts of all existing upgradient discharges in the receiving aquifer.

Testing of the aquifer was completed to determine the existing impacts of all upgradient discharge sources. The resulting ambient nitrogen levels were used to determine the assimilative capacity to ensure limitations were achieved that factors in these existing sources.

A ground water monitoring network has been established that will provide for long-term monitoring of the aquifer. The monitoring and data reporting will provide for continual oversight of the health of the aquifer including the impacts of any upgradient dischargers. The data will also be used to update permit conditions and cumulative effect analyses for all future major modification or renewal permitting actions. These actions will be made available to the public for comment.

Long-term monitoring and reporting, continual analysis, maintenance of permit conditions, and public notice and comment is a benefit to having a system that is covered under a pollution control system permit. If the Permittee does not comply with the terms and conditions of the permit, DEQ has enforcement authority to ensure a return to compliance.

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current MGWPCS (Montana Ground Water Pollution Control System) permit action (DEQ, 2026). **No impact.**

## 2.3 Air Quality

*This section includes the following resource areas, as required in ARM 17.4.609: Air Quality.*

### **Direct Impacts**

This facility is pre-existing; no direct impacts to air quality are expected from this permitting action.

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current MGWPCS (Montana Ground Water Pollution Control System) permit action (DEQ, 2026). **No impact.**

### **Secondary Impacts**

Secondary impacts to air quality are not expected with this permitting action. **No impact.**

### **Cumulative Impacts**

Cumulative impacts to air quality are not expected with this permitting action. **No impact.**

## 2.4 Vegetation Cover, Quantity, and Quality

*This section includes the following resource areas, as required in ARM 17.4.609: Vegetation Cover, Quantity and Quality.*

*Will any vegetative communities be significantly impacted? Are any rare plants or cover types of present?*

Based on a search of the Natural Heritage Database, there are no plant species listed as either S1 (at high risk), S2 (at risk), LE (listed endangered), or LT (listed threatened) within the immediate vicinity of the proposed facility. (<http://fieldguide.mt.gov/statusCodes.aspx#msrc:rank>). There is one species of concern listed as being observed in the surrounding region. They are as follows:

- Lesser Rushy Milkvetch (*Astragalus convallarius*)

The Natural Heritage site report map of the species is provided below. The orange area in the center of

the map represents the location of the proposed facility site.

***Direct Impacts***

The facility is already built/on previously disturbed lands. No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current MGWPCS (Montana Ground Water Pollution Control System) permit action (DEQ, 2026). **No impact.**

***Secondary Impacts***

Secondary impacts to vegetation cover, quantity, and quality are not expected with this permitting action. **No impact.**

***Cumulative Impacts***

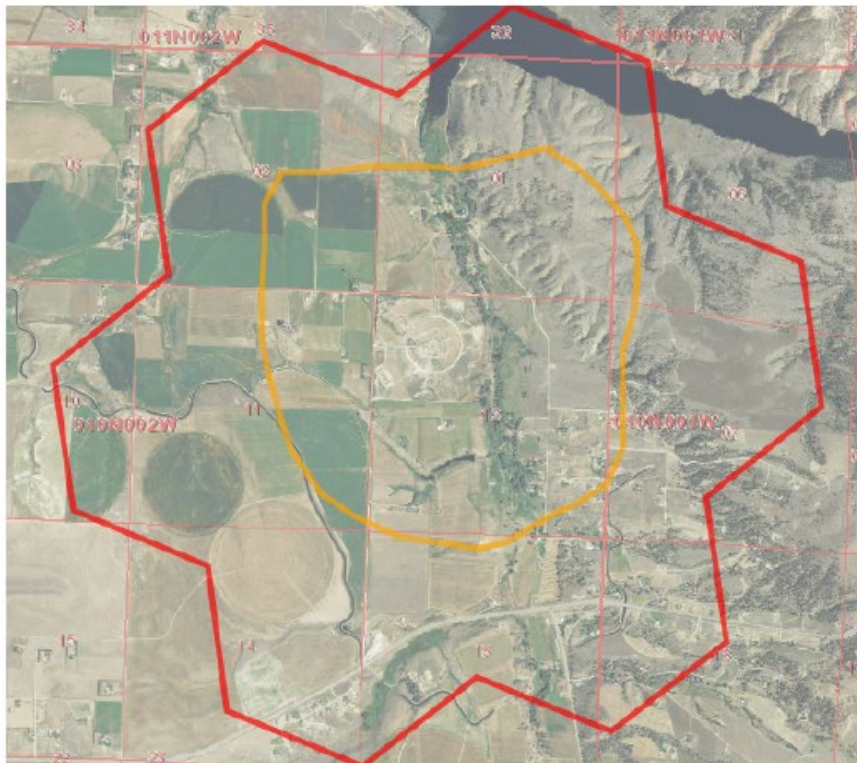
Cumulative impacts to vegetation cover, quantity, and quality are not expected with this permitting action. **No impact.**



Latitude	Longitude
46.61688	-111.76973
46.66502	-111.83638

Summarized by:

*(Custom Area of Interest)*



**Suggested Citation**

Montana Natural Heritage Program. Environmental Summary Report.  
 for Latitude 46.61688 to 46.66502 and Longitude -111.76973 to -111.83638. Retrieved on 3/30/2026.

The Montana Natural Heritage Program is part of the Montana State Library's Natural Resource Information System. Since 1985, it has served as a neutral and non-regulatory provider of easily accessible information on Montana's species and biological communities to inform all stakeholders in environmental review, permitting, and planning processes. The program is part of the NatureServe network that is composed of over 60 member programs across North America that work to provide current and comprehensive distribution and status information on species and biological communities.



**Figure 1: Natural Heritage Site Report Map for Heron Creek Subdivision**

## 2.5 Terrestrial, Avian, and Aquatic Life and Habitats

*This section includes the following resource areas, as required in ARM 17.4.609: Terrestrial and Aquatic Life and Habitats; Unique, Endangered, Fragile, or Limited Environmental Resources*

*Is there substantial use of the area by important wildlife, birds, or fish? Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern? Impacts related to the Montana Sage Grouse Executive Order?*

Based on a search of the Natural Heritage Database, there is one animal species listed as either S1 (at high risk), S2 (at risk), LE (listed endangered), or LT (listed threatened) in the immediate vicinity of the proposed facility. (<http://fieldguide.mt.gov/statusCodes.aspx#msrc:rank>). There are eight species total of concern listed as being observed in the surrounding region:

- Westslope Cutthroat Trout (*Oncorhynchus lewisi*); resident year around. (S1)
- Golden Eagle (*Aquila chrysaetos*); resident year around.
- Great Blue Heron (*Ardea herodias*); resident year around.
- Brewer's Sparrow (*Spizella brewerii*); migratory summer breeder.
- Bald Eagle (*Haliaeetus leucocephalus*); resident year around.
- Evening Grosbeak (*Coccothraustes vespertinus*); resident year around.
- Grizzly Bear (*Ursus arctos*); resident year around.
- Long-billed Curlew (*Numenius americanus*); migratory summer breeder.

The project site is not listed as being located within sage grouse habitat. DEQ referred to the Habitat and Occurrence mapping program at <https://sagegrouse.mt.gov/projects/>. If there are questions about Sage Grouse at this site, the applicant must contact and consult with the Sage Grouse Habitat Conservation Program at: <https://sagegrouse.mt.gov/>.

Site and habitat inventories for the applicable species were recommended in consultation with the Montana Natural Heritage Program. The applicant is encouraged to contact and consult with this program or other Natural Resource Information Programs available at the Montana State Library: <http://nris.msl.mt.gov/>

### **Direct Impacts**

The facility is already built/on previously disturbed lands. No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current MGWPCS permit action (DEQ, 2026). **No impact.**

### **Secondary Impacts**

Secondary impacts to terrestrial, avian, and aquatic life and habitats are not expected with this permitting action. **No impact.**

### **Cumulative Impacts**

Cumulative impacts to terrestrial, avian, and aquatic life and habitats are not expected with this permitting action. **No impact.**

## 2.6 History, Culture, and Archaeological Uniqueness

*This section includes the following resource areas, as required in ARM 17.4.609: Historical and Archaeological Sites; Cultural Uniqueness and Diversity*

*Are there any historical, archaeological or paleontological resources present? Will the action cause a shift in some unique quality of the area?*

It is not anticipated that this project would cause a shift in any unique quality of the area. A general recommendation by the Montana State Historic Preservation Office (MSHPO) states that in the event that cultural materials are inadvertently discovered, the permittee should contact the MSHPO office for investigation.

### **Direct Impacts**

No additional disturbance is planned for the existing MGWPCS project areas; therefore, no impacts to history, culture, or archaeological uniqueness are expected.

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current MGWPCS permit action (DEQ, 2026). **No impact.**

### **Secondary Impacts**

Secondary impacts to history, culture, and archaeological uniqueness are not expected with this permitting action. **No impact.**

### **Cumulative Impacts**

Cumulative impacts to history, culture, and archaeological uniqueness are not expected with this permitting action. **No impact.**

## 2.7 Demands on Environmental Resources of Land, Water, Air, or Energy

*This section includes the following resource areas, as required in ARM 17.4.609: 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?*

Construction of the facility may result in a greater local demand for water from the local aquifer. The regional shallow aquifer is the source for most of the water wells in the area. Upon treatment, the wastewater is discharged to the subsurface, eventually migrating back to the aquifer.

### **Direct Impacts**

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current MGWPCS permit action (DEQ, 2026). **No impact.**

### **Secondary Impacts**

Secondary impacts to demands on environmental resources of land, water, air, or energy are not expected with this permitting action. **No impact.**

### **Cumulative Impacts**

Cumulative impacts to demands on environmental resources of land, water, air, or energy are not expected with this permitting action. **No impact.**

## **2.8 Human Health and Safety**

*Will this project add to health and safety risks in the area?*

The applicant would be 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 significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current permit action (DEQ, 2026). **No impact.**

### **Secondary Impacts**

Secondary impacts to health and human safety are not expected with this permitting action. **No impact.**

### **Cumulative Impacts**

Cumulative impacts to health and human safety are not expected with this permitting action. **No impact.**

## **2.9 Socioeconomics**

***This section includes the following resource areas, as required in ARM 17.4.609: Social Structures and Mores; Access to and Quality of Recreational and Wilderness Activities; Local and State Tax Base and Tax Revenues; Agricultural or Industrial Production; Quantity and Distribution of Employment; Distribution and Density of Population and Housing; Demands for Government Services; Industrial and Commercial Activity; Locally Adopted Environmental Plans and Goals; Other Appropriate Social and Economic Circumstances***

*Will the project add to or alter industrial or agricultural activities? Will the project create, move or eliminate jobs? If so, estimated number. Will the project create or eliminate tax revenue? Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed? Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect? Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract? Will the project add to the population and require additional housing? Is some disruption of native or traditional lifestyles or communities possible?*

The Heron Creek Subdivision is an existing residential development consisting of approximately 109 residential lots located on private land near the intersection of Keir Lane and Eames Lane. The wastewater treatment facility currently serves the subdivision and will continue to be operated and maintained long term, with negligible impacts to the surrounding population. The project area remains subject to any plans or rules set forth by Lewis and Clark County. The facility will be built on land that may have been historically used for agricultural purposes.

No new construction of wastewater treatment systems or discharge structures is proposed under this permitting action. Operation and maintenance of the wastewater treatment system may continue to support limited ongoing employment. Traffic associated with the facility is expected to remain minimal and limited to routine operation and maintenance activities. Wastewater treatment systems such as this are typically owned and operated by local communities or sewer districts and serve as an important component in protecting public and environmental health. Continued operation of the facility is not anticipated to disrupt native or traditional lifestyles or communities.

***Direct Impacts***

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current permit action (DEQ, 2026). **No impact.**

***Secondary Impacts***

Secondary impacts to socioeconomics are not expected with this permitting action. **No impact.**

***Cumulative Impacts***

Cumulative impacts to socioeconomics are not expected with this permitting action. **No impact.**

## **2.10 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. Does the proposed regulatory action restrict the use of the regulated person's private property? If not, no further analysis is required. 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 alternative.*

The existing facility takes place on private land owned by the applicant. DEQ's approval of MGWPCS permit would affect the applicant's real property. DEQ has determined, however, that the permit conditions are reasonably necessary to ensure compliance with applicable requirements under the Water Quality Act. Therefore, DEQ's approval of the MGWPCS permit would not have private property-taking or damaging implications.

***Direct Impacts***

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current permit action (DEQ, 2026). **No impact.**

***Secondary Impacts***

Secondary impacts to private property are not expected with this permitting action. **No impact.**

***Cumulative Impacts***

Cumulative impacts to private property are not expected with this permitting action. **No**

**impact.**

## **2.11 Greenhouse Gas Assessment**

DEQ has determined the proposed action of issuing a MGWPCS permit for this existing facility would not have a substantive change to the greenhouse gas composition of the Montana environment. Due to the marginal amount of greenhouse gas emissions produced by the Proposed Action, DEQ has used its discretion as allowed by Section 1 of Senate Bill 221, passed in Legislative Session 2025, to forego further analysis for this resource area.

For the purpose of this analysis, DEQ has defined greenhouse gas emissions as the following gas species: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and many species of fluorinated compounds. The range of fluorinated compounds includes numerous chemicals which are used in many household and industrial products. Other pollutants can have some properties that also are similar to those mentioned above, but the EPA has clearly identified the species above as the primary GHGs. Water vapor is also technically a greenhouse gas, but its properties are controlled by the temperature and pressure within the atmosphere, and it is not considered an anthropogenic species.

### ***Direct Impacts***

No significant impacts were identified by DEQ after an in-depth review of the Application, Research, and other Government Agency References in development of the Tentative Determination documents for the current permit action (DEQ, 2026). **No impact.**

### ***Secondary Impacts***

Secondary impacts to greenhouse gas are not expected with this permitting action. **No impact.**

### ***Cumulative Impacts***

Cumulative impacts to greenhouse gas are not expected with this permitting action. **No impact.**

## **3 DESCRIPTION OF ALTERNATIVES**

No Action Alternative: In addition to the proposed action, DEQ also considered a "no action" alternative. The "no action" alternative would deny the approval of the MGWPCS permit. 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.

**Other Reasonable Alternative(s):** None.

## **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 with the permittee's application

materials and the following websites:

- U.S. EPA Center for Corporate Climate Leadership, Scopes 1, 2 and 3 Emissions Inventorying and Guidance
- U.S. EPA Center for Corporate Climate Leadership, Simplified GHG Emissions Calculator
- Jefferson River Watershed Council
- Montana Bureau of Mines and Geology
- Montana Natural Heritage Program
- Montana Sage Grouse Habitat Conservation Program
- Montana State Historic Preservation Office (SHPO)
- U.S. Bureau of Land Management
- U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey
- U.S. Environmental Protection Agency
- U.S. Forest Service, Prevention of Significant Deterioration (PSD) Program
- U.S. Geological 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;
- 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.

## **6 CONCLUSIONS AND FINDINGS**

Impacts were assessed with the assumption that the facility will comply with the terms and conditions of the permit. Violations of the permit could lead to significant adverse impacts to state waters. Violations of the permit are not an effect of the agency action since the permit itself forbids such activities. However, the Department has taken steps to ensure that violations do not occur. The Department provides technical assistance to permittees for operation and maintenance, and also in understanding and implementing the requirements of the permit. The Department also conducts periodic inspections of permitted facilities, and identifies potential problems with design or management practices. If violations of the permit do occur, the Department will take appropriate action under the Montana Water Quality Act. Enforcement sanctions for violations of the permit include injunctions, civil and administrative penalties, and cleanup orders.

The preferred action is to reissue the existing individual MGWPCS discharge permit. This action is

preferred because the permit provides a regulatory mechanism for protecting ground water quality by applying effluent limits and monitoring requirements to the discharged wastewater.

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

As described above, DEQ's decision to reissue MGWPCS Permit No. MTX000210 authorizes discharge of water to Class I ground water. The discharge is subject to permit conditions that would protect beneficial uses and prevent significant changes in water quality. Environmental impacts resulting from issuance of the MGWPCS permit are localized and would be managed through permit conditions. At the time of this analysis, there are no known conflicts with local, state, or federal laws, requirements, or plans.

## **7 PUBLIC INVOLVEMENT**

Draft EA: Legal notice information for water quality discharge permits is listed at the following website: <http://deq.mt.gov/Public/notices/wqnotices>. Public comments on this proposal are invited any time prior to close of business on June 11, 2026. Comments may be directed to [DEQWPBPublicComments@mt.gov](mailto:DEQWPBPublicComments@mt.gov) or to

Montana Department of Environmental Quality  
Water Protection Bureau  
PO Box 200901  
Helena, MT 59620

All comments received or postmarked prior to the close of the public comment period will be considered in the formulation of the final permit. DEQ will respond to all substantive comments pertinent to this permitting action and may issue a final decision within thirty days of the close of the public comment period.

All persons, including the applicant, who believe any condition of the draft permit is inappropriate, or that DEQ's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing). All public comments received for this draft permit will be included in the administrative record and will be available for public viewing during normal business hours.

Copies of the public notice are mailed to the applicant, state and federal agencies, and interested persons who have expressed interest in being notified of permit actions. A copy of the distribution list is available in the administrative record for this draft permit. Electronic copies of the public notice, draft permit, fact sheet, and draft environmental assessment are available at the following website: <http://deq.mt.gov/Public/notices/wqnotices>.

Any person interested in being placed on the mailing list for information regarding this permit may contact the DEQ Water Protection Bureau at (406) 444-5546 or email [DEQWPBPublicComments@mt.gov](mailto:DEQWPBPublicComments@mt.gov). All inquiries will need to reference the permit number (MTX000210), and include the following information: name, address, and phone number.

During the public comment period provided by the notice, DEQ will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing.

## 8 PREPARATION

### Environmental Assessment and Significance Determination Prepared By:

M. Peziol, Water Quality Permit Writer

### Environmental Assessment Reviewed By:

Erik Englebert, Supervisor  
Tatiana Davila, Bureau Chief

### Approved By:

**SIGNATURE**

**Name, Title**

Department of Environmental Quality

Date

## 9 REFERENCES

40 CFR § 136 – Guidelines Establishing Test Procedures for the Analysis of Pollutants. 2017.

Administrative Rules of Montana, Title 17, Chapter 30, Water Quality:

Subchapter 2 - Water Quality Permit Fees.

Subchapter 5 - Mixing Zones in Surface and Ground Water.

Subchapter 7 - Nondegradation of Water Quality.

Subchapter 10 - Montana Ground Water Pollution Control System.

Subchapter 13 - Montana Pollutant Discharge Elimination System.

Department of Environmental Quality. 2008. Administrative Record of Montana Ground Water Pollution Control System (MGWPCS) permit application and supplemental materials, Heron Creek Subdivision, MTX000210.

Department of Environmental Quality. 2014. Administrative Record of Montana Ground Water Pollution Control System (MGWPCS) permit application and supplemental materials, Heron Creek Subdivision, MTX000210.

Department of Environmental Quality, Water Quality Circulars:

Circular DEQ-2 – Design Standards for Wastewater Facilities.

Circular DEQ-4 – Montana Standards for On-Site Subsurface Sewage Treatment Systems.

Circular DEQ-7 – Montana Numeric Water Quality Standards, Required Reporting Values, and Trigger Values.

Heron Creek Subdivision. 2019. MGWPCS MTX000210 Permit Application. May 02, 2019.

Montana Bureau of Mines and Geology, Ground-Water Information Center, GWIC state well database,  
Online at: <http://mbmgwic.mtech.edu>.

Montana Bureau of Mines and Geology, 2021. Standard Procedures and Guidelines for Field Activities,  
Open-File Report 746, p.96. Online at: <http://www.mbmge.mtech.edu/mbmgcat/catmain.asp>

Montana Code Annotated, Title 75, Chapter 5, *Montana Water Quality Act*, 2011.

Montana Natural Heritage Program

Montana State Historic Preservation Office