



**Water Quality Division
Water Protection Bureau
Montana Pollutant Discharge Elimination System (MPDES)**

Draft Environmental Assessment (DEA)

Permit:	Small Municipal Separate Storm Sewer (MS4) General Permit
Permit No.:	MTR040000
Receiving Water:	State Surface Waters
Facility Name/Information:	Multiple
Location:	Statewide, within identified or designated Small MS4s (except within the boundaries of Indian Reservations)
Ownership:	FEDERAL ☐ STATE ☐ MUNICIPAL ☐ PRIVATE ☐
Draft EA Date:	August 17, 2026

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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 environmental assessment (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 implements the Montana Water Quality Act (Title 75, chapter 5, Montana Code Annotated [MCA]) and administers the Montana Pollutant Discharge Elimination System (MPDES) permitting program, which regulates discharges of pollutants to state surface waters. Montana administers the MPDES program under delegation of authority from the U.S. Environmental Protection Agency (EPA) pursuant to the federal Clean Water Act, while EPA retains permitting authority for discharges on tribal lands and an oversight role for the state program.

Under this authority, DEQ issues individual and general MPDES permits and enforces permit conditions to ensure compliance with state and federal water quality requirements pursuant to Section 75-5-101, et seq, MCA and the Administrative Rules of Montana (ARM) Title 17, Chapter 30, Subchapters 2, 6, 7, 11, 12, and 13). DEQ has the authority to issue general permits for certain categories of point sources, including discharges from small municipal separate storm sewers (MS4s), described at ARM 17.30.1101-1107. DEQ's regulatory oversight for Small MS4s is limited to authorizing and regulating stormwater discharges through MPDES permit conditions. DEQ does not approve or manage municipal land-use planning, transportation projects, or other local infrastructure decisions, except to the extent those decisions affect compliance with MPDES permit requirements.

1.3. Proposed Action

The proposed action is renewal of MPDES General Permit for Stormwater Discharges Associated with Small MS4s (MTR040000) for a five-year term. The permit would authorize eligible regulated Small MS4 operators to discharge stormwater to state waters subject to enforceable permit conditions, including stormwater management program requirements, monitoring, reporting, recordkeeping, and other applicable requirements.

The permit applies to Small MS4s required to obtain coverage because they are located in an applicable urban area under ARM 17.30.1102(23)(a), or because DEQ has formally designated them under ARM 17.30.1107. Eligible Small MS4 operators may obtain or renew coverage by submitting the required authorization materials and complying with the permit.

The proposed action does not grant approval for site-specific construction, excavation, land disturbance, road construction, drainage-system design, land development, or municipal capital projects. New and renewal authorizations under the proposed general permit may be issued to eligible MS4s located anywhere within the State of Montana, except within the boundaries of Indian Reservations. This general permit renewal would provide a continued permitting mechanism for Small MS4s in Montana who discharge, or have the potential to discharge,

stormwater into state waters.

Table 1. Summary of Proposed Action

General Overview	DEQ is proposing to renew the General Permit for Stormwater Discharges Associated with Small Municipal Separate Storm Sewer Systems (MS4s) under the MPDES program for another five-year cycle. The general permit establishes enforceable conditions for MS4 stormwater discharges but does not individually approve or design specific construction projects or municipal infrastructure. The proposed permit also includes an optional DEQ-approved routine hydrant-flushing authorization pathway for eligible MS4 permittees. Discharges outside the scope of that authorization remain subject to MTG770000 or another applicable MPDES authorization.
Duration & Hours of Operation	The permit term is five years. Covered stormwater discharges occur episodically in response to precipitation, snowmelt, and surface-runoff or drainage events. Construction is not part of DEQ's proposed permit action.
Estimated Disturbance	The renewal of the General Permit would not authorize ground disturbance.
Personnel Onsite	Each authorized MS4 must maintain personnel sufficient to implement the stormwater management program (SWMP), including a stormwater management team, a primary SWMP coordinator, and associated implementation, monitoring, reporting, and compliance functions. DEQ does not prescribe staffing levels; each MS4 determines staffing needed to comply.
Location and Analysis Area	Location: This general permit applies to eligible regulated Small MS4s located within the State of Montana, excluding areas within the boundaries of Indian Reservations. The currently regulated MS4 universe includes operators subject to coverage under ARM 17.30.1102(23), including MS4s regulated based on applicable urban-area status and any MS4s formally designated by DEQ under ARM 17.30.1107. Additional MS4s may become subject to coverage during the permit term through the applicable regulatory process. Table 1 of the 2026 MTR040000 Fact Sheet identifies the currently regulated MS4 operators. MDT is a non-traditional MS4 only within the geographic footprint defined by Part 1.1.2 and applicable law. MDT-specific requirements do not extend coverage to roadways across Montana or authorize highway construction, expansion, or transportation-system decisions. Analysis Area: The analysis area is limited to the regulated MS4 coverage areas and state water receiving, or potentially receiving, authorized discharges.

Table 2. Covered MS4 operators must comply with applicable local, county, state, and federal requirements pertaining to the following resource areas.

Air Quality	No air quality permit coverage.
Water Quality	Where applicable, MPDES permits must be obtained for other discharges of pollutants to state surface waters for discharges occurring to and/or within Small MS4s including but not limited to authorization under the following general permits: - MTR100000: General Permit for Storm Water Discharges Associated with Construction Activity - MTR000000: Multi-sector General Permit for Storm Water Discharges Associated with Industrial Activity - MTG770000: General Permit for Disinfected Water and Hydrostatic Testing Many municipalities that are regulated small MS4s also hold individual MPDES permits for discharges associated with publicly owned treatment works (POTWs) and/or water treatment plants. The issuance and subsequent renewal of these permits correspond with their own environmental assessments.
Erosion Control and Sediment Transport	MTR040000 does not authorize site-specific ground disturbance or construction; however, it requires covered Small MS4s to implement and enforce construction-site stormwater controls through their Stormwater Management Programs. These requirements include construction-project inventory and prioritization, site-plan review, inspection protocols, enforcement-response procedures, and regulatory mechanisms to require erosion and sediment controls on regulated projects. The permit also requires post-construction stormwater management measures intended to reduce pollutant and sediment transport from new development and redevelopment. Regulated construction activities may also require separate authorization under MTR100000, the MPDES Construction Stormwater General Permit
Solid Waste	No Solid Waste permit coverage.
Cultural Resources	No site-specific cultural-resource review was conducted for this permitting action. Renewal of MTR040000 authorizes and regulates covered MS4 stormwater discharges; it does not approve a site-specific project, excavation, ground disturbance, or alteration of a historic, cultural, or archaeological resource. Because the proposed action has no defined project footprint or area of potential effect, a statewide cultural-resource database search would not provide meaningful impact information. No direct impact to cultural resources has been identified. Any future ground-disturbing project undertaken by an MS4 or another entity may be subject to cultural-resource review or consultation under independently applicable federal, state, tribal, or local requirements.
Hazardous Substances	No hazardous waste permit coverage.

Table 3. Cumulative Impacts

Past Actions	The following related MPDES stormwater and disinfected-water general permits are considered for cumulative-effects purposes only to the extent their authorized discharges occur within, discharge through, or affect the same regulated MS4 coverage areas or receiving waters. The MPDES program administers three stormwater general permits: - MTR040000: which was issued on February 14, 2022, effective on April 1, 2022, modified on July 11, 2022, and shall expire on March 31, 2027. - MTR100000: which was issued on October 31, 2022, effective on January 1, 2023, and shall expire at midnight on December 31, 2027. - and MTR000000: which was issued on October 4, 2022, effective on February 1, 2023, and shall expire at midnight on January 31, 2028.
Present Actions	At the time of public notice for MTR040000, the 2026-renewal of the MPDES General Permit for Disinfected Water & Hydrostatic Testing discharges (MTG770000) was issued on August 1, 2026, to be effective on September 1, 2026, for a term of five years.
Related Future Actions	During the term of MTR040000, DEQ anticipates the renewal of MTR100000, MTR000000, and MTG770000 prior to their expiration dates.

1.4. Purpose, Need, and Benefits

The purpose of the action is to decide whether to renew the general permit that provides MPDES authorization for regulated Small MS4 stormwater discharges and establishes enforceable permit conditions for those discharges. The need arises from the expiration of the existing permit and the statutory and regulatory requirement for regulated MS4s to obtain permit coverage for covered discharges. Renewal would continue the permit framework under which DEQ may require compliance with the draft permit's stormwater management program, monitoring, reporting, and other conditions.

1.5. Other Governmental Agencies and Programs with Jurisdiction

Local governments and MS4 operators retain authority over local land-use decisions, development approvals, local ordinances, and municipal infrastructure decisions. Those local authorities are distinct from DEQ's authority to authorize and regulate covered MS4 stormwater discharges under MTR040000.

Other agencies may have jurisdiction over specific future activities undertaken by an MS4 under separate authorities. For example, the Montana Department of Natural Resources and Conservation (DNRC) may administer water-right or stream-permitting requirements, and Montana Fish, Wildlife & Parks (FWP) may have jurisdiction over government projects that affect streambeds or banks.

The United States Environmental Protection Agency retains federal oversight of Montana's delegated MPDES program. EPA retains NPDES permitting authority on tribal lands; those areas are not covered by this General Permit.

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 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 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 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 permits identified in Table 3 were analyzed as part of the cumulative impacts assessment for each resource.

2.1. Geology and Soil Quality, Stability, and Moisture

Direct Impacts

Renewal of MTR040000 does not approve excavation, earthwork, land disturbance, or construction of site-specific stormwater facilities. Therefore, no direct impact on geology or soil quality, stability, or moisture has been identified.

Secondary Impacts

The permit requires covered MS4s to implement construction-site stormwater management and post-construction stormwater management measures, including regulatory mechanisms, project review, inspection, enforcement, erosion and sediment controls, and post-construction controls for regulated projects. Implementation of these requirements may indirectly reduce erosion, sediment migration, and associated loss of soil stability from regulated development and redevelopment activities within MS4 coverage areas. These effects are expected to be beneficial, localized, and minor in intensity over the five-year permit term. The permit does not approve site-specific ground-disturbing work, and effects of independent local infrastructure, siting, construction, or maintenance decisions are not impacts caused by this permit renewal.

Cumulative Impacts

DEQ considered the collective effect of renewal of MTR040000 with prior MS4 permit coverage and related stormwater permits, including MTR100000 where construction-stormwater authorizations overlap regulated MS4 coverage areas. Together, these permits require controls intended to limit erosion and sediment transport associated with regulated construction and stormwater discharges. The cumulative effect of those related permit requirements is expected to be beneficial and minor in intensity within regulated MS4 areas over the permit term. This analysis does not include the broader soil effects of urban growth, local land-use decisions, or unrelated construction activities because those are not related actions within the meaning of ARM 17.4.603(7).

2.2. Water Quality, Quantity, and Distribution

Direct Impacts

The proposed action would renew MTR040000, authorizing covered Small MS4 stormwater discharges subject to enforceable permit conditions. The direct water-resource effect evaluated in this EA is the continued authorization and regulation of those covered discharges. Stormwater discharges may convey pollutants to receiving waters; accordingly, the permit requires covered MS4s to implement a Stormwater Management Program, control pollutant sources, identify and eliminate illicit discharges, implement construction-site and post-construction stormwater controls, conduct monitoring, and report compliance information. (Permit Parts 2.1 through 2.10; Fact Sheet Sections 4 and 5)

The permit also provides a framework for an eligible Small MS4 that becomes subject to coverage during the permit term because of applicable urban-area status or formal DEQ designation under ARM 17.30.1107. Authorization of a newly regulated MS4 would apply to existing or anticipated covered stormwater discharges; it would not approve new development, construction, drainage infrastructure, or changes in water quantity or watershed-wide water distribution. New applicants must submit the required authorization materials and implement the phased compliance schedule in MTR040000 Permit Part 1.4.1, including development and implementation of a Stormwater Management Program and initiation of self-monitoring as required by the permit. The record identifies the current regulated MS4 universe, and any additional coverage during the permit term would be limited to MS4s that become subject to applicable regulatory criteria. (MTR040000 Permit Part 1.4.1; Fact Sheet Sections 3 & 5.2.)

The permit neither constructs, approves, nor operates MS4 conveyances and does not approve or direct municipal land-use, infrastructure, or drainage-system decisions. Existing development, impervious surfaces, streets, gutters, and drainage infrastructure are part of the existing setting and are not effects of permit renewal.

Renewal would also add a limited sub-authorization process under which DEQ may authorize specified routine hydrant-flushing discharges from an otherwise authorized MS4. Approved flushing discharges may convey residual disinfectant, sediment, or other pollutants to an MS4 or receiving waters. A sub-authorization may be issued only where the permittee demonstrates that the proposed flushing activities will meet the applicable effluent limitations, monitoring, reporting, special conditions, and corrective-action requirements of the MPDES General Permit for Disinfected Water and Hydrostatic Testing, MTG770000, and will provide an equivalent level of protection. The direct water-quality effect is limited by those requirements, the sub-authorization eligibility criteria, DEQ's written approval, and the controls required in Part 2.6.3. (MTR040000 Permit Part 2.6.3; Fact Sheet Section 5.7.3.)

The direct water-quality effect of permit renewal, including continued coverage of existing MS4s, possible authorization of newly regulated eligible MS4s, and the limited hydrant-flushing sub-authorization pathway, is long term over the five-year permit term and minor in intensity. The permit does not directly alter precipitation, create runoff, approve drainage-system design, or change water quantity or watershed-wide water distribution.

Secondary Impacts

Implementation of permit-required stormwater management measures by existing and newly authorized MS4s may have a secondary beneficial effect on water quality by requiring MS4 operators to identify pollutant sources, implement controls, inspect regulated construction and post-construction projects, address illicit discharges, monitor discharge conditions, and modify program implementation as required by the permit. These measures are intended to reduce pollutant transport in covered discharges to receiving waters. (MTR040000 Permit Parts 2.1-

2.10; Fact Sheet Sections 4 & 5)

The effect is limited to implementation of the permit's requirements within regulated MS4 coverage areas. It does not include effects of independent local land-use decisions, infrastructure design, construction, maintenance outside permit requirements, or permit violations. Newly authorized MS4s are subject to a phased compliance schedule; the permit requires development and implementation of foundational program elements before later monitoring and more advanced implementation requirements apply. (MTR040000 Permit Part 1.4.1)

No secondary impact on water quantity or watershed-wide water distribution has been identified. The anticipated secondary water-quality effect is long term, minor in intensity, and beneficial.

Cumulative Impacts

DEQ considered the collective water-quality effect of renewing MTR040000 with prior and ongoing MS4 permit coverage for the same regulated discharges and, for the routine hydrant-flushing sub-authorization, with applicable authorization under MTG770000. This analysis also considers the limited potential for additional MS4 coverage during the permit term. It does not assume coverage of unidentified MS4s statewide or treat general urban growth as a related future action.

The analysis is limited to related MPDES actions within overlapping regulated MS4 areas or receiving-water pathways. It does not include the broader effects of municipal water-system operations, urban development, local drainage infrastructure, or unrelated discharge activity because those activities are not related actions for purposes of ARM 17.4.603(7).

Continued MS4 permit coverage, including coverage of any newly regulated eligible MS4s, and related construction-stormwater controls may collectively support reduction of pollutant and sediment transport from regulated MS4 discharges and regulated construction activities within MS4 areas. The routine hydrant-flushing sub-authorization is limited to a defined subset of discharges that remain subject to control, monitoring, reporting, and corrective-action requirements; flushing outside the authorized scope remains subject to MTG770000 or another applicable MPDES authorization.

The cumulative water-quality effect is long term, minor in intensity, and generally beneficial. No cumulative impact on water quantity or watershed-wide water distribution has been identified.

2.3. Air Quality

Direct, Secondary, & Cumulative Impacts

Renewal of MTR040000 has no identified direct impact on air quality. The action does not authorize an air-emissions source, combustion operation, or site-specific construction activity. The record does not identify a secondary air-quality impact stimulated, induced by, or otherwise resulting from permit renewal, or a qualifying cumulative impact under ARM 17.4.603(7)

2.4. Vegetation Cover, Quantity, and Quality

Direct & Secondary Impacts

Renewal of MTR040000 does not authorize vegetation removal, site-specific grading, drainage construction, or municipal landscaping. No direct vegetation impact is identified. No secondary vegetation impact(s) stimulated or induced by permit renewal, or a qualifying cumulative impact

were identified.

Cumulative Impacts

DEQ considered renewal of MTR040000 together with related construction-stormwater authorizations under MTR100000 within overlapping regulated MS4 areas. MTR040000 requires covered MS4s to implement construction-site stormwater management programs, including project review, inspection, enforcement, and regulatory mechanisms that incorporate applicable construction-stormwater requirements. MTR100000 requires construction operators to implement erosion and sediment controls and final stabilization requirements.

Where vegetative stabilization is selected and implemented under those related construction-stormwater requirements, the combined permit framework may support reestablishment or retention of vegetative cover on regulated construction sites and reduce erosion and sediment transport that can affect vegetation. This limited cumulative effect is long term, minor in intensity, and beneficial. The analysis does not include broader vegetation effects of urban growth, vegetation removal associated with local development decisions, municipal landscaping, or other unrelated land-disturbing activities.

2.5. Terrestrial, Avian, and Aquatic Life and Habitats

Direct & Secondary Impacts

The proposed action is renewal of a discharge permit; it does not authorize site-specific habitat alteration, land disturbance, vegetation removal, or wildlife-management activity. No direct impact to terrestrial or avian life or habitat has been identified.

The record does not identify a separate secondary impact to terrestrial or avian life or habitat that is stimulated, induced by, or otherwise results from permit renewal. Potential effects on aquatic life and habitat resulting from covered stormwater discharges are limited to the water-quality pathways evaluated in Section 2.2. The permit does not approve site-specific actions affecting aquatic habitat, such as channel alteration, streambank modification, wetland disturbance, habitat restoration, or drainage-system construction.

Cumulative Impacts

DEQ considered renewal of MTR040000 together with related construction-stormwater authorizations under MTR100000 within overlapping regulated MS4 areas. MTR040000 requires MS4s to implement construction-site stormwater management programs, including project review, inspection, enforcement, and regulatory mechanisms that incorporate applicable construction-stormwater requirements. MTR100000 requires construction operators to implement erosion and sediment controls and final stabilization requirements.

Where those related requirements reduce sediment and other pollutant transport to receiving waters, the combined permit framework may provide a limited cumulative benefit to aquatic life and aquatic habitat. This cumulative effect is long term, minor in intensity, and beneficial. No qualifying cumulative impact to terrestrial or avian life or habitat has been identified.

This analysis does not include broader habitat effects of urban growth, local development, vegetation removal, municipal infrastructure, wildlife management, or unrelated land-disturbing activities because those actions are not authorized by MTR040000 and are not related actions for purposes of ARM 17.4.603(7).

2.6. History, Culture, and Archaeological Uniqueness

Direct, Secondary, and Cumulative Impacts

Renewal of MTR040000 does not authorize excavation, ground disturbance, or a site-specific project. It therefore has no identified direct impact on historic, cultural, or archaeological resources. The record does not identify a secondary impact stimulated, induced by, or otherwise resulting from permit renewal, or a qualifying cumulative impact under ARM 17.4.603(7). Future ground-disturbing projects are not approved by this permit renewal and may be subject to cultural-resource review or consultation under independently applicable authorities.

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

Direct, Secondary, & Cumulative Impacts

The proposed action renews a general discharge permit and does not approve a public-works project, construction program, or resource-consuming capital improvement. No direct demand on land, water, air, or energy is identified. The record does not identify a secondary demand stimulated, induced by, or otherwise resulting from permit renewal, or a qualifying cumulative demand under ARM 17.4.603(7).

2.8. Human Health and Safety

Direct Impacts

The proposed action requires covered Small MS4s to implement measures intended to reduce pollutants in covered discharges, identify and eliminate illicit discharges, provide mechanisms for public reporting of suspected illicit discharges, and notify DEQ and appropriate agencies when an illicit discharge is believed to pose an immediate threat to human health or the environment. (MTR040000 Permit Parts 2.2.1.1, 2.3.3.1, 2.3.4, and 3.6.) These requirements address potential exposure to pollutants associated with covered MS4 discharges.

The permit does not regulate general public safety, worker safety, flood control, drinking-water-system operation, municipal infrastructure design, or local emergency-response decisions. Those matters are outside the scope of the proposed action.

The direct human-health effect of permit renewal is limited to potential exposure to pollutants in covered MS4 discharges. The effect is long term over the five-year permit term, minor in intensity, and beneficial because the permit requires measures intended to identify, control, and reduce pollutant discharges. No direct effect on general municipal safety, worker safety, drinking-water-system operation, or flood conditions has been identified.

Secondary & Cumulative Impacts

The proposed action renews authorization for covered MS4 discharges subject to enforceable permit requirements. It does not itself create storm events, construct drainage facilities, control general flooding conditions, or direct municipal safety or emergency-response activities. The record does not identify a secondary health-and-safety impact stimulated, induced by, or otherwise resulting from permit renewal, or a qualifying cumulative impact under ARM 17.4.603(7).

2.9. Aesthetics

Direct, Secondary, & Cumulative Impacts

Renewal of MTR040000 does not authorize visible construction, landscape alteration, or site-

specific drainage facilities. No direct aesthetic impact has been identified. The record does not identify a secondary aesthetic impact stimulated, induced by, or otherwise resulting from permit renewal, or a qualifying cumulative aesthetic impact under ARM 17.4.603(7).

2.10. Socioeconomics

Direct Impacts

Renewal of MTR040000 continues compliance obligations for covered MS4 operators and includes revised requirements that may require staff time, monitoring, laboratory analysis, documentation, reporting, training, inspections, and other implementation resources. Newly authorized MS4s must submit required authorization materials and implement a phased Stormwater Management Program and monitoring schedule. MDT is subject to monitoring requirements tailored to its regulated transportation footprint. (MTR040000 Permit Parts 1.4.1 and 2.8.)

These obligations implement the federal Clean Water Act Phase II framework requiring regulated Small MS4s to obtain permit coverage and implement stormwater-management measures. The optional routine hydrant-flushing sub-authorization may require additional plan-development, monitoring, and reporting; however, for an MS4 that otherwise would obtain separate MTG770000 coverage, it may reduce duplicative permit administration by allowing qualifying activities to be managed under the MS4 program. (Permit Part 2.6.3; 40 CFR 122.32 through 122.34)

Compliance costs will vary by MS4 based on its existing program, staffing, monitoring infrastructure, contractual arrangements, and implementation choices. The direct socioeconomic effect is long term, minor in intensity, and generally adverse because of compliance costs, although the optional hydrant-flushing pathway may provide a limited administrative benefit for some MS4s.

Secondary & Cumulative Impacts

No separate secondary socioeconomic impact stimulated, induced by, or otherwise resulting from permit renewal has been identified. No qualifying cumulative socioeconomic impact has been identified under ARM 17.4.603(7).

2.11. Private Property Impacts

MTR040000 regulates covered stormwater discharges from Small MS4 operators. It does not regulate a private landowner's use of land, authorize DEQ entry onto private property, acquire a property interest, or impose permit conditions directly on private owners. Although covered MS4 operators may separately adopt and administer ordinances, development requirements, or enforcement measures under their own legal authority, including authority related to illicit-discharge control (MTR040000 Permit Parts 2.3.4.1 and 2.3.4.2), those local actions are not taken by DEQ through issuance of MTR040000. The permit is directed at water-quality protection through regulation of covered MS4 discharges; it is not a flood-control authorization and does not evaluate the general effects of stormwater on private property. No direct, secondary, or qualifying cumulative impact on private-property rights or use has been identified.

2.12. Greenhouse Gas Assessment

The greenhouse gas (GHG) analysis for this project is limited to the activities regulated by the renewal of MPDES permit MTR040000, for the discharge of stormwater from Small MS4s to local receiving waters. DEQ has determined that the issuance of this MPDES permit does not

impact the use of equipment or vehicles, other than motor vehicle trips to access the effluent monitoring location(s).

DEQ has determined the Proposed Action of the renewal of the MPDES permit would not have a substantive change to the greenhouse gas composition of the Montana environment. The required monitoring of the Proposed Action would combust less than two gallons of fuel per year or less than 10 gallons of combusted fuel over the life of the Proposed Action. 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.

3. DESCRIPTION OF ALTERNATIVES

Additional Alternatives Considered

DEQ considered renewal of MTR040000 and the alternative of not renewing the general permit. The action concerns regulation of known regulated Small MS4 point-source discharges; it is not an analysis of alternatives to local land-use, transportation, drainage-design, or development decisions.

Proposed Action: Renew MTR040000

Under the proposed action, DEQ would renew the Small MS4 General Permit for the next five-year term. Eligible regulated Small MS4 operators would obtain or continue authorization for covered stormwater discharges under the general permit and implement the applicable minimum control measures and other permit requirements.

No Renewal/Individual Permit Alternative.

If DEQ does not reissue MTR040000, the current general permit would expire at midnight on March 31, 2027. Regulated Small MS4 discharges would remain subject to MPDES authorization requirements. Under this alternative, affected Small MS4s would need to seek individual permit coverage or another legally available authorization pathway.

Individual permit processing would require separate permit actions for operators otherwise addressed under one general permit. The existing record indicates that individual permitting would be more expensive for covered Small MS4s, would delay implementation of updated program requirements, and would retain the same baseline six minimum control measures. The federal Phase II framework accommodates general permits, and general permits are a common approach for regulating Small MS4 discharges.

DEQ identifies renewal of the general permit as the preferred alternative because it provides an enforceable and administratively manageable regulatory mechanism for the known category of Small MS4 discharges.

3.1. Consultation

DEQ conducted internal consultation during development of the draft MTR040000 General Permit, draft fact sheet, and this EA. Internal consultation included review by Water Quality Division staff and coordination with other DEQ program staff, as appropriate, regarding permit requirements, implementation information, and environmental-review issues.

3.2. 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.

Section 2 evaluates the potential impacts of the proposed permit renewal using the scope and causation principles stated in this EA. Based on that analysis, DEQ has not identified impacts requiring further analysis beyond this EA. The final finding is stated in Section 3.3.

3.3. Conclusions and Findings

The preferred proposed action is to issue the Small MS4 General Permit. This action is preferred because it continues the statewide regulatory framework for managing stormwater discharges from regulated small municipal separate storm sewer systems and provides the permitting mechanism through which DEQ can require implementation of stormwater management measures intended to reduce pollutants in stormwater runoff and protect water quality. As discussed throughout this environmental assessment, stormwater in MS4 areas intersects with a wide range of environmental resources, including water quality and hydrology, vegetation, habitat, human health and safety, and the broader functioning of developed landscapes.

Although permit implementation carries some direct, secondary, and cumulative impacts, issuance of the permit provides the structured and enforceable program necessary to manage those impacts and reduce the environmental consequences of unmanaged or insufficiently managed urban stormwater runoff. Based on this analysis, DEQ finds that issuance of the Small MS4 General Permit is the preferred alternative because it best supports continued water quality protection and long-term stormwater management in regulated MS4 areas across Montana.

4. PUBLIC INVOLVEMENT

A 30-day public comment period will be held on both the permit and the EA. See Public Notice (PN-MT-26-08) for further information.

5. PREPARATION

Environmental Assessment and Significance Determination Prepared By:

Alanna Shaw,
MPDES Section Supervisor
Environmental Assessment Reviewed By:
Tatiana Davila,
Water Protection Bureau Chief
Approved By:
DRAFT FOR PUBLIC NOTICE

6. REFERENCES

Administrative record for Draft MPDES Small MS4 General Permit MTR040000 for the proposed 2027-2032 permit term:

DEQ 2026 Draft Permit MTR040000

DEQ 2026 Fact Sheet for MTR040000

DEQ 2026 PN-MT-26-08

DEQ 2023 MTR000000: *Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (MSGP).*

DEQ 2023 MTR100000: *General Permit for Storm Water Discharges Associated with Construction Activity (SW-C)*

DEQ 2026 MTG770000: *General Permit for Disinfected Water and Hydrostatic Testing (DWHT)*

DEQ 2019 Circular DEQ-7 *Montana Numeric Water Quality Standards.*