

Levels of MEPA Analysis - Applicability and Contents

- **Actions Exempt from MEPA:** Actions defined in the MEPA model rules, [ARM 17.4.607\(5\)](#), are exempt from environmental review under MEPA.
- **Categorical Exclusions at DEQ:** Actions that qualify for a categorical exclusion as defined by rule or statute or justified by a programmatic review are exempt from individual environmental review.
 - DEQ categorical exclusions defined by rule:
 - [ARM 17.38.103](#): Existing Public Water and Sewage Project
 - [ARM 17.40.318](#): State Revolving Fund Projects
 - [ARM 17.85.112](#): Alternative Energy Revolving Loan Program
 - [ARM 17.8.18](#): Registered Portable Air Emissions
- **Programmatic MEPA documents at DEQ:** DEQ has the option of defining, through either rulemaking or a programmatic environmental review, the types of actions that seldom, if ever, cause significant impacts. If DEQ is contemplating a series of agency-initiated actions, programs, or policies that in part or in total may significantly impact the human environment, the agency often prepares a programmatic review that discusses the impacts of the series of actions. Examples include:
 - Underground Storage Tanks – for existing tanks repairs/modifications and closures
 - Abandoned Mine Land projects
 - Solid Waste Program for recycling and composting facilities.
 - MPDES General Permit for Storm Water Discharges Associated with Municipal Separate Storm Sewer Systems (MS4)
- **What is a checklist EA?** The opportunity for a checklist approach is created in rule. A standard form of an EA, developed by an agency for actions that generally produce minimal impacts.
 - [ARM 17.4.609\(2\)](#): For a routine action with limited environmental impact, the contents of an EA may be reflected on a standard checklist format. At the other extreme, whenever an action is one that might normally require an EIS, but effects that otherwise might be deemed significant are mitigated in project design or by controls imposed by the agency, the analysis, format, and content must all be more substantial. The agency shall prepare the evaluations and present the information described in (3) of this rule as applicable and in a level of detail appropriate to the following considerations: (a) the complexity of the proposed action; (b) the environmental sensitivity of the area affected by the proposed action; (c) the degree of uncertainty that the proposed action will have a significant impact on the quality of the human environment; (d) the need for and complexity of mitigation required to avoid the presence of significant impacts.
- **When does DEQ do an Environmental Assessment (EA)?** DEQ is required to prepare an environmental review whenever the following three conditions are satisfied:
 - The agency intends to take an action, as defined by MEPA and the MEPA rules.
 - The action is not an Exempt Action or excluded from MEPA review.
 - The action may impact the human environment.
 - Source: "[A Guide to the Montana Environmental Policy Act](#), revised 2021".
- **When does DEQ do an Environmental Impact Statement (EIS)?** DEQ prepares an EIS when the impacts have been determined to have a Significant Impact to the human environment using the criteria in [ARM 17.4.608](#). This may be determined after completing an EA or when DEQ and the applicant agree in advance that impacts are likely significant.