

June 19, 2009

Randy Johnston
Water and Wastewater Superintendent
City of Three Forks
P.O. Box 187
Three Forks, MT 59752

RE: Well Replacement Improvements
Three Forks, Montana

Dear Mr. Johnston:

An environmental review of the above-referenced project has been completed by the Drinking Water State Revolving Fund Loan Program. Based on this review, it has been determined that the project is eligible for a categorical exclusion from further environmental review. A copy of the Notice of Publication of Categorical Exclusion for this project is enclosed. Please print the notice in at least one publication of your local newspaper, under legal advertising, and return a copy of the proof of advertisement to this office. Please have the notice, the Source Water Delineation and Assessment report prepared for this project and the project contract documents available for public review at your office. We have distributed the notice to the enclosed list of agencies.

If you have any questions regarding this process or the project in general, please email me at gwiens@mt.gov or call me at (406) 444-7838

Sincerely,

Gary J. Wiens, P.E.
Drinking Water State Revolving Fund Loan Program
Technical and Financial Assistance Bureau

Encl

cc: Brent Miller, P.E., Gaston Engineering and Land Surveying, Bozeman, MT
Anna Miller, Department of Natural Resources and Conservation

NOTICE OF PUBLICATION OF CATEGORICAL EXCLUSION
CITY OF THREE FORKS, MONTANA

WELL REPLACEMENT IMPROVEMENTS PROJECT

JUNE 19, 2009

The Montana Department of Environmental Quality has reviewed the above-named project. The project consists of the replacement of at most three wells within city property. New wells will be drilled and existing water rights will be transferred to the new wells.

Pursuant to ARM 17.40.318, the Department has concluded that the proposed project meets the Categorical Exclusion criteria of the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA).

The documentation for the Categorical Exclusion is available for public review at the following locations:

Department of Environmental Quality
State Revolving Fund Loan Program
1520 East Sixth Avenue
Helena, MT 59601

Three Forks City Hall
206 Main Street
Three Forks, MT 59752

Sincerely,

Todd Teegarden, Bureau Chief
Technical & Financial Assistance Bureau
Planning Prevention & Assistance Division
Montana Department of Environmental Quality

DOCUMENTATION OF CATEGORICAL EXCLUSION DETERMINATION CHECKLIST

Project Name / Brief Description: Three Forks Well replacement Improvements. The city proposes to drill at most three replacement wells at the same locations as the city's unused wells. Existing water rights will be transferred to the new wells

Date: June 19, 2009

Reviewer: Gary J. Wiens

The Department action under Title 75, chapter 5, part 11 and or chapter 6, part 1 or 2, MCA, is excluded from the requirement to prepare an environmental assessment (EA) or environmental impact statement (EIS) if the application for department review is for any of the following projects:

(a) Projects relating to existing infrastructure systems such as sewer systems, drinking water supply systems, and stormwater systems, including combined sewer overflow systems that involve:

[Answer yes or no. If all answers "no", an EA or EIS must be completed. If any answer is yes, skip to (b).]

- No 1. minor upgrading;
- No 2. minor expansion of system capacity;
- Yes 3. rehabilitation (including functional replacement) of the existing system and system components;
- No 4. construction of new minor ancillary facilities adjacent to or on the same property as existing facilities; or
- No 5. projects in unsewered communities involving the replacement of existing on-site systems, provided that the new on-site systems do not result in substantial increases in the volume of discharges or in loadings of pollutants from existing sources, and do not relocate existing discharges.

(b) A categorical exclusion may NOT be granted for a department action if:

[Answer yes or no. If all answers "no", skip to (c). If any answer is yes, an EA or EIS must be completed.]

- No 6. the action would authorize facilities that will provide a new discharge or relocate an existing discharge to ground or surface waters;
- No 7. the action would result in an increase above permit levels established for the facility under the Montana pollutant discharge elimination system or Montana ground water pollution control system for either volume of discharge or loading rate of pollutants to receiving waters;
- No 8. the action would authorize facilities that will provide capacity to serve a population at least 30% greater than the existing population;
- No 9. the action is not supported by the state, or other regional growth plan or strategy;
- No 10. the action directly or indirectly involves or relates to upgrading or extending infrastructure systems primarily for the purposes of future development;

No 11. the department has received information indicating that public controversy exists over the project's potential effects on the quality of the human environment;

No 12. the department determines that the proposed project that is the subject of the state action shows some potential for causing a significant effect on the quality of the human environment, based on ARM 17.4.608, or might possibly affect:

- (i) sensitive environmental or cultural resource areas; or
- (ii) endangered or threatened species and their critical habitats.

(c) If the proposed project meets the conditions above in determining use of a CATEX, the reviewer will then complete items 13 - 17 as follows:

[Once all steps 1- 17 are complete, reviewer shall sign and date at bottom. If revocation becomes necessary, reviewer shall initiate an EA or EIS as appropriate.]

_____ 13. Project meets the above Categorical Exclusion criteria.

_____ 14. DEQ determination of Categorical Exclusion.

_____ 15. DEQ distributes the Notice of Determination.

_____ 16. Notice of Publication and cover letter (containing revocation language below) is delivered to recipient.

_____ 17. Notice of Publication published in local newspaper by recipient and evidence of publication provided to reviewer.

(d) The department may revoke a categorical exclusion if:

[Only complete the steps below 18 – 21 if revocation of a previously implemented CATEX becomes necessary.]

_____ 18. the project is not initiated within the time period specified in the facility plan, or a new or modified application is submitted;

_____ 19. the proposed action no longer meets the requirements for a categorical exclusion because of changes in the proposed action;

_____ 20. new evidence demonstrates that serious local or environmental issues exist; or

_____ 21. state, local, tribal, or federal laws may be violated.

STATE PREPARER

STATE REVIEWER

COMPLETION DATE

JUNE 11, 2009

MINOR UPGRADING - Project results in no disturbance of cultural, recreation, environmental or historically significant properties. Especially those described by any of the following (*National Historic Preservation Act properties or SHPO cultural sites, Land and Water Conservation Act sites, Natural System of Wild and Scenic Rivers, work within base floodplain (100-year flood), permanent wetland impact, work within threatened or endangered species or critical habitat sites, known Superfund site, affects prime or unique farmland*). Project will not result in traffic disruption (i.e. alternate route and business access provided or better yet, not needed). Also, the project should not be considered minor if any of the following conditions exist: (*involves permanent acquisition of property such as right-of-way or land for expansion, requires an Army Corps of Engineers Individual Section 404 permit for placement of fill materials*).

Examples:

- In-kind or similar pipe replacement,
- CIPP or pipe bursting technologies,
- lift station or manhole retrofits
- treatment plant improvements within an existing plant footprint such as addition of UV, storage, or replacement of blowers or pumps not resulting in additional noise or energy consumption.

MINOR EXPANSION - Approval of utility installations which do not result in a growth rate greater than 30% for a community, or portion of a community, which occur along or across a transportation facility, or other previously disturbed common area. Should be supported by a regional or local growth planning document.

Examples:

- A main extension project proposed to serve an area more than 70% built-out (existing occupied homes or buildings), which does not require new property acquisition or disturbance outside of existing right-of-way or previously disturbed easements.
- Expansion of a lagoon or minor wastewater treatment plant within the existing plant footprint, which doesn't support more than 30% growth, result in a permit compliance issue, or result in a decrease in WW treatment.

MINOR ANCILLARY FACILITIES - Installation of fencing or signs where no substantial land acquisition or traffic disruption will occur. Landscaping, including storm drainage structures which do not result in flood hazards, water quality degradation, or permitting violations. O&M installations within existing footprint of plant, lift station or storage tank areas that result in no visual, noise, odor or other long term changes. Also, must not result in changes in discharge permit conditions.

RELOCATE AN EXISTING DISCHARGE – On-site septic systems being replaced with sewer service to a wastewater treatment facility that discharge to the same groundwater or inter-

connected groundwater / surface water aquifer may be considered as qualifying for a Categorical Exclusion. This is the case when the result of the increased load to the wastewater treatment facility does not result in facility exceeding design capacity, or result in a calculated discharge violation, or calculated water quality violation based on standard parameters.

PUBLIC CONTROVERSY - Substantial controversy on environmental grounds. Must be based on one or more of the following: (*Visual Quality, Nuisances, Noise, Historic Properties, Cultural, and Archaeological Resources, Changes in Demographic (Population) Characteristics, General Housing Conditions, Displacement or Relocation of Businesses or Residents, Public Health and Safety, Local Employment and Income, Local and State Tax Base and Revenues, Educational Facilities, Commercial and Industrial Production and Activity, Growth or Decline, Health Care, Social Services, Land Use Compatibility, Energy Resources, Solid Waste Management, Public Safety, Fire Protection, Parks, Playground, and Open Space, Consistency with Local Ordinances, Regulatory Action on Private Property Rights*)