

DEPARTMENT OF ENVIRONMENTAL QUALITY
Environmental Assessment

Permitting and Compliance Division
Water Protection Bureau

Name of Project: ExxonMobil Billings Refinery

Type of Project: MPDES MT0000477 Permit Modification

Location of Project: T1N, R26E, All or parts of sections 24 and 25

City/Town: Billings

County: Yellowstone

Description of Project:

The ExxonMobil Billings refinery's current permit became effective November 1, 2003 after a contested case proceeding before the Board of Environmental Review. On October 11, 2005, a Consent Decree in *United States et al. v. ExxonMobil Corporation and ExxonMobil Oil Corporation*, Civil Action No. 05-C-5909, was lodged with the United States District Court for the Northern District of Illinois. In a complaint filed simultaneously, several States, including Montana, sought injunctive relief for alleged Clean Air Act violations and certain other environmental laws at several ExxonMobil refineries including the Billings refinery. Under the settlement, ExxonMobil agreed to submit permit modifications, approved by EPA, to address oil sheens at Outfall 002 and to limit the effluent received by Tank 350.

Agency Action and Applicable Regulations:

The proposed action is to modify and reissue MPDES permit MT0000477 to ExxonMobil Billing Refinery for the discharge of treated wastewaters from their facilities. The Department is issuing this permit under the authority of the Montana Water Quality Act 75-5-101 *et seq.* MCA, and the Montana Pollutant Discharge Elimination System rules (ARM 17.30.12 *et seq* and ARM 17.30.13 *et seq*).

Summary of Issues:

The Department proposes to reissue the modified MPDES permit to incorporate the additional permit requirements to address oil sheens at Outfall 002 and to limit the effluent received by Tank 350. No new environmental impacts are expected as a result of this action.

Affected Environment & Impacts of the Proposed Project:

Y = Impacts may occur

N = Not present or No Impact will likely occur.

IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
1. GEOLOGY AND 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?	[N] No new impacts are expected as a result of this action.
2. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?	[N] No new impacts are expected as a result of this action.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] No new impacts are expected as a result of this action.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] No new impacts are expected as a result of this action.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] No new impacts are expected as a result of this action.
6. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Species of special concern?	[N] No new impacts are expected as a result of this action.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	[N] No new impacts are expected as a result of this action.
8. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light?	[N] No new impacts are expected as a result of this action.
9. 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? Will new or upgraded powerline or other energy source be needed)	[N] No new impacts are expected as a result of this action.
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	[N] No new impacts are expected as a result of this action.

IMPACTS ON THE HUMAN ENVIRONMENT

RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?	[N] No new impacts are expected as a result of this action.

IMPACTS ON THE HUMAN ENVIRONMENT

RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	[N] No new impacts are expected as a result of this action.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	[N] No new impacts are expected as a result of this action.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	[N] No new impacts are expected as a result of this action.
15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?	[N] No new impacts are expected as a result of this action.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	[N] No new impacts are expected as a result of this action.
17. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?	[N] No new impacts are expected as a result of this action.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	[N] No new impacts are expected as a result of this action.
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	[N] No new impacts are expected as a result of this action.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	[N] No new impacts are expected as a result of this action.
21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	[N] No new impacts are expected as a result of this action.
22(a). 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.	[N] No new impacts are expected as a result of this action.
22(b). PRIVATE PROPERTY IMPACTS: Is the agency proposing to deny the application or condition the approval in a way that restricts the use of the regulated person's private property? If not, no further analysis is required.	[N] No new impacts are expected as a result of this action.

IMPACTS ON THE HUMAN ENVIRONMENT	
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
22(c). PRIVATE PROPERTY IMPACTS: If the answer to 21(b) is affirmative, 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 alternatives. The agency must disclose the potential costs of identified restrictions.	[N] No new impacts are expected as a result of this action.

23. Description of and Impacts of other Alternatives Considered: None
24. Summary of Magnitude and Significance of Potential Impacts: None
25. Cumulative Effects: None
26. Preferred Action Alternative and Rationale: Issue the modified permit. This action is preferred because the permit program provides the regulatory mechanism for protecting water quality by enforcing the terms of the MPDES permit.

Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

Rationale for Recommendation: No impacts were identified in the environmental assessment.

27. Public Involvement: A 30-day public comment period will be held
28. Persons and agencies consulted in the preparation of this analysis: None

EA Checklist Prepared By:

Jeff May
(Name)

September 10, 2009
Date

Approved By:

(Print: name & title)

Signature

Date