



NOTICE OF PUBLICATION OF CATEGORICAL EXCLUSION

Butte-Silver Bow County
WRF (Not Yet Assigned)

2009 BIG HOLE WATER TRANSMISSION MAIN REPLACEMENT PRODUCTS - WOODIN
GULCH

November 24, 2009

The Montana Department of Environmental Quality has reviewed the above named project. The project consists of the purchase of approximately 6,000 lineal feet of 36-inch ductile iron pipe, ancillary materials and engineering services associated with the replacement of the Big Hole water transmission pipeline.

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 Categorical Exclusion may be revoked if the project is not initiated within the time period specified in the Preliminary Engineering Report, a new or modified application is submitted, new evidence demonstrates serious local or environmental issues exist, or state, local, tribal, or federal laws are violated.

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

Butte-Silver Bow County
Department of Public Works
126 West Granite
Butte, Montana 59701

Sincerely,

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

CHAPTER III – ATTACHMENT D

DOCUMENTATION OF CATEGORICAL EXCLUSION DETERMINATION CHECKLIST

Project Name / Brief Description: **BIG HOLE WATER TRANSMISSION MAIN REPLACEMENT PRODUCTS-WOODIN GULCH**

Project Number: **WRF # (not yet assigned)**

Date: **November 24, 2009**

Preparer: Thomas Slovarp, DWSRF

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).]

- yes 1. minor upgrading;
- no 2. minor expansion of system capacity;
- yes 3. rehabilitation (including functional replacement) of the existing system and system components;
- yes 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.]

yes 13. Project meets the above Categorical Exclusion criteria.

yes 14. DEQ determination of Categorical Exclusion.

yes 15. DEQ distributes the Notice of Determination.

yes 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