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May 18, 2011

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Perry Dolphay, 4163 McMullen Road, Whitewater, MT 59544

Ladies and Gentlemen:

To comply with the Administrative Rules of Montana, 17.4.607(2) and 17.4.609(2), the Department of Environmental Quality (Department), prepared the enclosed Environmental Assessment (EA). The attached EA is for the land application of septage, portable toilet/vault toilet type waste, and car wash sump waste in Phillips County, Montana. Land application would occur at this site on an as-needed basis.

The purpose of the EA is to inform all interested governmental agencies, public groups, and individuals of the action and to determine whether or not the action may have a significant effect on human health and the environment. The Department will not make a licensing decision until at least thirty (30) days after publication of the EA. A copy of this EA may be viewed on the Department's website at <http://deq.mt.gov/ea/SepticPumpers.mcp>.

If you wish to comment on this proposed action within the 30 day period, please do so in writing by mailing your comments to the Waste and Underground Tank Management Bureau, Solid Waste Program, P.O. Box 200901, Helena, MT 59620-0901, or by E-mail to mailbox wutbcomments@mt.gov.

If you have any questions or need additional information, please contact me at the Permitting and Compliance Division, Waste and Underground Tank Management Bureau, Solid Waste Section, (406) 444-1434 or e-mail renhill@mt.gov.

Sincerely,

Renai Hill
Environmental Science Specialist
Waste & Underground Tank Management Bureau

Enclosure: EA - P.D. Septic LLC
File: Phillips County/P.D. Septic LLC/S-1041

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Permitting and Compliance Division
Waste and Underground Tank Management Bureau
Solid Waste Management Section
Metcalf Building
PO Box 200901
Helena, MT 59620-0901

ENVIRONMENTAL ASSESSMENT

DESCRIPTION OF PROJECT – SUMMARY OF ANALYSIS:

Mr. Perry Mitchell Dolphay (applicant) of P.D. Septic LLC, has submitted an application for the land application of septage, portable toilet/vault toilet type waste, and car wash sump waste in Phillips County. This Environmental Assessment (EA) will document environmental issues related to the land application of septage, portable toilet/vault toilet type waste, and car wash sump waste. The applicant proposes to land apply septage, portable toilet/vault toilet type waste, and car wash sump waste on the Karl Mavencamp property in Phillips County. The proposed land application site is north of Cornell Road, west of O'Brien Road, and Highway 12 runs through the southeast quarter of the property. Specifically, the site is located in the Section 36, T31N, R30E, Phillips County, Montana (Figure 1). The Karl Mavencamp property has designated 160 acres of the property for land application. The applicant will divide the acres for application and then rotate fields on an annual basis. Land application will occur at this site on an as-needed basis. Pumpings will be collected from individual and commercial customers. The pumpings will be applied to the land using a dispersive mechanism, alkali-stabilized, and then incorporated into the soil using a harrow within 6 hours of application.

Alkali-stabilization requires the addition of alkali material (lime) to the waste before land application so that the pH is raised to and remains at 12 or higher for a period of at least 30 minutes. The alkali-stabilization process reduces the levels of pathogenic organisms by effectively destroying bacteria in the waste and preventing re-colonization. Alkali-stabilization also lowers the potential for putrefaction and thereby reduces the odors associated with such wastes. The pH of the waste will be monitored by the applicant before land application to ensure compliance with the requirement for stabilization. In addition, the applicant is required to maintain records of these pH measurements to verify compliance and submit these records to the Department on a semi-annual basis.

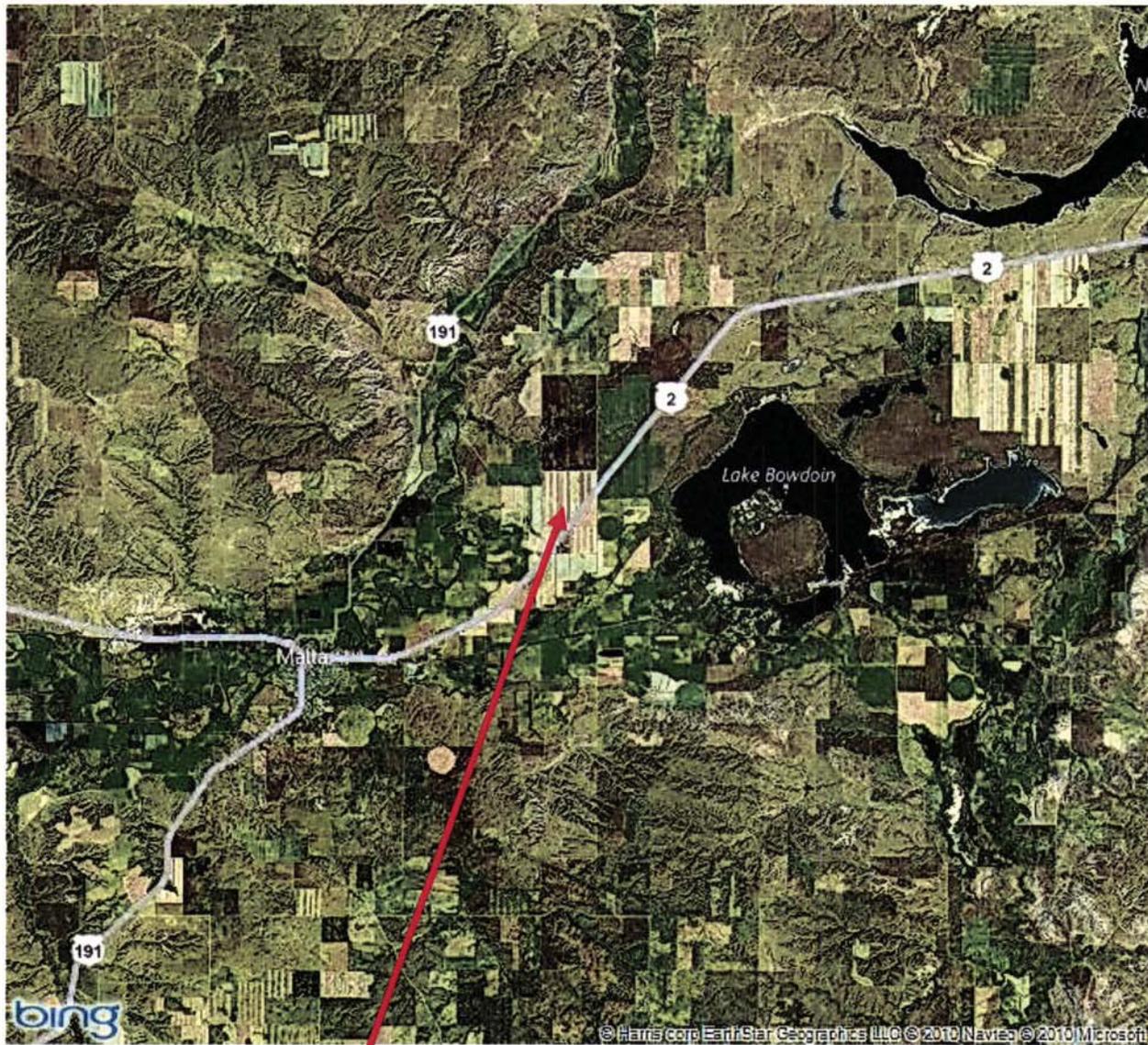
Benefits and Purpose of Project:

The land application of domestic septage is an economical and environmentally sound practice in most areas in Montana and is a viable alternative to treatment at a wastewater treatment facility. A properly managed land application program can benefit from the reuse of the organic matter and nutrients in the waste without adversely affecting public health. The land application of domestic septage is considered the beneficial use of a waste product when the material is applied in accordance with the laws and rules governing land application. The increase in organic matter will also increase the soil moisture retention and improve the soil structure.

Site Geography:

The proposed land application site lies at the corner of Cornell Road and Obrien Road. No rivers, creeks, or ponds are located within the proposed land application site. The proposed site is located approximately 1.5 miles west of Lake Bowdoin/Bowdoin National Wildlife Refuge and approximately 1.5 miles east of the Milk River. The proposed site has a slope ranging from 0 to 5%. (See Figure 2).

Figure 1 – Site Overview



Proposed Land Application Site

As discussed previously, the septage, and portable toilet/vault toilet type waste will be alkali-stabilized prior to land application. The pH of the waste will be monitored by the pumper to ensure compliance with the requirement for stabilization. Because alkali-stabilization wastes effectively destroy pathogens and render the materials unappealing to vectors, wastes treated in this manner do not require incorporation into the soil. The licensee is required to maintain records of pH measurements of the waste before they are land applied and remove all non-putrescible litter contained in the septage from the site within 6-hours of application.

In accordance with ARM Title 17, Chapter 50, Sub-chapter 8, wastes will not be land applied in excess of the annual application rate (AAR). The AAR is based upon the use of the nitrogen and other nutrients by the wheat that requires 165 pounds of nitrogen per acre for continued production. This AAR volume is equal to approximately 1.06 inches of liquid per acre. Septage waste will be applied at a rate not to exceed the AAR of 63,461 gallons per acre per year and portable toilet/vault toilet type waste will be applied at a rate not to exceed the calculated AAR of 31,730 gallons per acre per year. Since only 20 acres of the land application site will be used annually, the wheat crop planted will utilize the nitrogen and other nutrients added from the land application process.

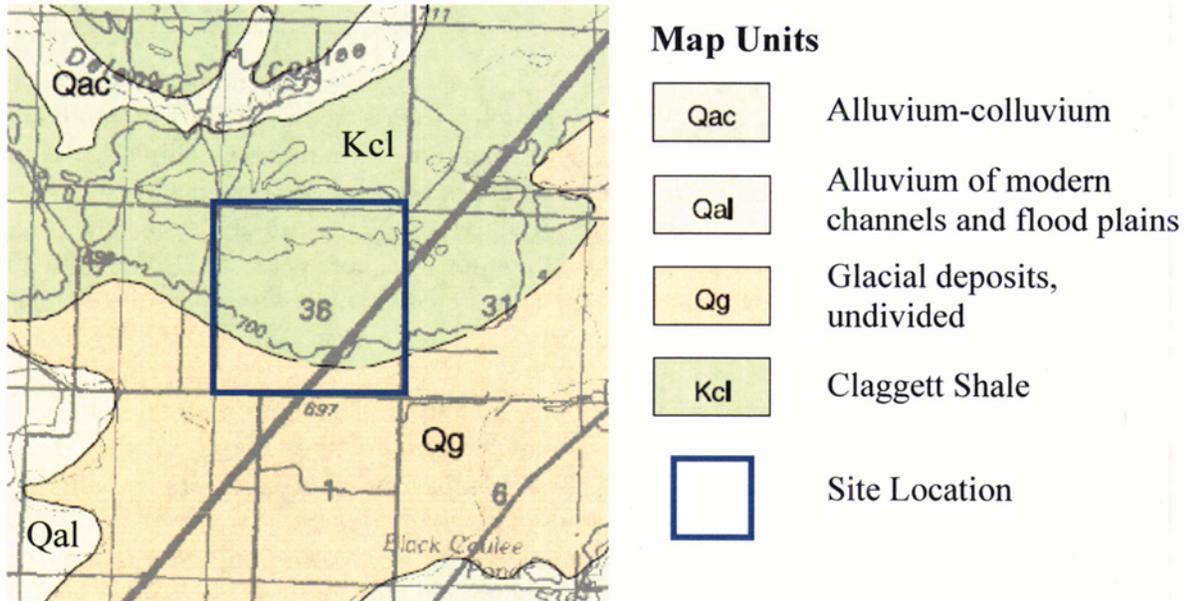
Historical precipitation records show the area receives approximately 12.53 inches of precipitation per year. Most precipitation falls during the months of May, June, and July, while February is the driest month with an average precipitation of only 0.37 inches. For comparison, the average precipitation received during the month of August is close to what would be land applied per acre per year. For the purpose of this analysis, most individual septic tanks are between 1,000 gallons and 1,500 gallons, so waste from 19-28 septic tanks (depending upon their individual volumes) could be land applied on a per acre per year basis. Using a conservative approach that waste from 24 septic tanks could be land applied per acre, each individual septic tank would contribute approximately 0.044 inches of liquid per acre. However, experience shows that most licensed pumpers will land apply, at the most, four tanks per day.

The septage, portable toilet/vault toilet type waste, and car wash sump waste will be alkali-stabilization, land applied, and incorporated into the soil. A harrow will be used within 6 hours of application and all non-putrescible litter contained in the septage will be removed from the site within 6 hours of application. The licensee is required to maintain records of the volumes of waste being land applied. The Department requires the submittal of disposal records from all licensed pumpers on a semi-annual basis. In addition, Department staff regularly inspects land application sites for compliance with the site specific requirements and the laws and rules governing land application.

General Geology and Hydrogeology:

The land application site is located on the Cretaceous Claggett Shale (Kcl) and Quaternary glacial deposits (Qgl) (Figure 3) in the Milk River valley. The Claggett Shale is a dark gray to brownish gray shale and is approximately 500 feet thick. The glacial deposits consist of sand, silt, and clay deposited at the end of the last ice age and vary in thickness up to about 70 feet thick. The glacial deposits are underlain by the Claggett Shale.

Figure 3: Geology



Wells in the area around the land application site are typically 60 to 75 feet deep and are completed in the base of the glacial deposits near the contact with the Claggett Shale. These wells typically yield from 3 to 20 gallons per minute and have static water levels of 30 to 45 feet below ground surface. There are no wells completed in the Claggett Shale.

The soil types near the land application site are classified as the Evanston loam, Telstad loam, Joplin-Hillon loams, Joplin-Hillon gravelly loams, and Telstad-Joplin loams (Figure 4). The majority of the area proposed for land application is the Joplin-Hillon gravelly loams. The Joplin-Hillon gravelly loams consist of gravelly loams and clay loams that are well drained with a high available water capacity and moderately low to moderately high permeability. The Joplin-Hillon loams have similar properties as the Joplin-Hillon gravelly loams, but contain less gravel and have a very high available water capacity. The second most common soil type at the land application site is the Evanston loam. The Evanston loam consists of loam and clay loam and is well drained with a high available water capacity and a moderately high to high permeability. The Telstad loam is similar in composition and properties to the Evanston loam. All of the slopes at the land application site are less than six percent.

Setback Requirements:

The Administrative Rules of Montana (ARM) establishes minimum setback criteria for land application as follows:

ARM Reference	Site Setback - Disposal Restrictions
17.50.809(1)	Pumpings may not be applied to land within 500 feet of any occupied or inhabitable building.
17.50.809(2)	Pumpings may not be applied to land within 150 feet of any state surface water, including ephemeral or intermittent drainages and wetlands.
17.50.809(3)	Pumpings may not be applied to land within 100 feet of any state, federal, county, or city-maintained highway or road.
17.50.809(4)	Pumpings may not be applied to land within 100 feet of a drinking water supply source.
17.50.809(6)	Pumpings may not be applied to land with slopes greater than 6%.
17.50.809(8)	Pumpings may not be applied to land where seasonally high ground water is 6 ft or less below ground surface.
17.50.809(10)	All non-putrescible litter must be removed from the land application site within 6 hours of application.
17.50.809(12)	Pumpings may not be applied at a rate greater than the agronomic rate of the site for crop nitrogen requirement on an annual basis.
17.50.810(1)	Pumpings may not be applied to flooded, frozen, or snow covered ground if the pumpings may enter state waters.
17.50.811(3)	Pumpings may be applied only if the person first performs one of the following vector attraction and pathogen reduction methods: <ul style="list-style-type: none">• Injection below land surface so no significant amount remains on the land surface within one-hour of injection;• Incorporation into the soil surface plow layer within 6 hours of application;• Addition of alkali material so that the pH is raised to and remains at 12 or higher for a period of at least 30 minutes; or,• Management as required by 17.50.810 when the ground is frozen.

The applicant proposes to utilize approximately 20 acres per year of the Karl Mavencamp property for land application. The 160 acres will be divided into eight 20 acre fields. Only one field will be utilized yearly and then rotated on an annual basis, so that parcels used one year will be inactive the next year. This rotation will ensure that over-application does not occur.



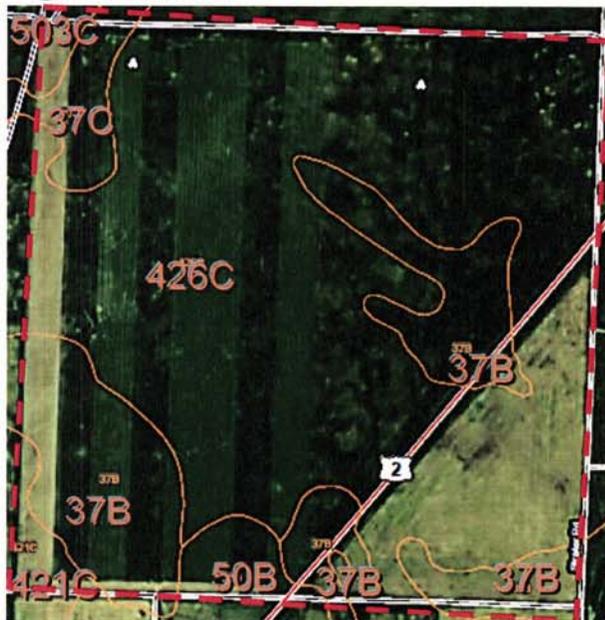
Figure 2: Proposed land application site boundaries

As shown in Figure 2, the proposed site is located greater than 500 feet from any occupied or inhabitable building, greater than 150 feet from a state surface water, greater than 100 feet from any state, federal, county, or city-maintained road, and greater than 100 feet from any drinking water supply.

Site Operation and Maintenance:

Pumpings will be collected from individual and commercial customers and land application will occur at the site on an as needed basis. The septage, portable toilet/vault toilet type waste, and car wash sump waste will be land applied using a dispersive mechanism, such as a spreader bar or splash plate. The spreader bar or splash plate does not cause an aerosol of waste to be dispersed into the air, but rather causes the waste to be applied in a wide pattern, rather than a single, narrow, or heavy stream. This is done to ensure that the material is applied evenly in a beneficial manner and not applied in excess of the agronomic rate. In addition, the dispersive mechanism will help minimize the potential for ponding or runoff by causing the material application in a thin, even layer.

Figure 4: Soils



Map Units

- 37B Evanston loam, 0-4% slopes
- 37C Evanston loam, 4-8% slopes
- 50B Telstad loam, 0-4% slopes
- 421C Joplin-Hillon loams, 2-8% slopes
- 426C Joplin-Hillon gravelly loams, 2-8% slopes
- 503C Telstad-Joplin loams, 2-8% slopes
-  Site Boundaries

Roles and Responsibilities:

The Department's Solid Waste Section is responsible for ensuring activities proposed under the Solid Waste Management Act are in compliance with the Act and with other State and Federal regulations. A land application site must be first approved by the county in which it is located, and then by the Department's Solid Waste Section, prior to being added to the license. Each licensee is responsible for following the Administrative Rules of Montana for Cesspool, Septic Tank and Privy Cleaners and other restrictions and requirements put in place by the county in which the land application site is located. Sites not approved by the county or local government authority are not approved by the Department.

ANALYSIS OF POTENTIAL IMPACTS

Description and analysis of reasonable alternatives whenever alternatives are reasonably available or prudent to consider:

The Department considered the following alternatives in the preparation of this EA:

Alternative A – No Action: Under the “no-action” alternative, the Department would not license the land application site as proposed because the applicant chose to withdraw its application. As a result, the applicant will be required to obtain the required approval for an alternative site.

Alternative B – Approve the Site: Approve the use of the land application site. Several factors support the viability of this option:

1. This site meets all of the requirements of the Septage Disposal – Licensure (SDL) law. The site soils, slope, depth to ground water, approvals, and setback requirements have been met;
2. The site is fenced with signs posted; and,
3. All activities will be performed in accordance with an approved Operation and Maintenance Plan (O & M Plan), so the effects on human health and the environment are minimized.

Alternative C – Deny the Site: Under this alternative, the Department would deny the land application site as proposed. The site fails to meet the requirements of the SDL. As a result, the applicant will be required to obtain the required approval for an alternative site.

BASIS OF THIS EVALUATION:

Based on the information provided and Department’s research on the area surrounding the proposed land application site, the potential environmental impacts of Alternative B were evaluated for the proposed project. The results of the Department’s evaluation are summarized in the Appendix.

FINDINGS:

The Department finds that there would be little or no impacts to the physical and human environment if the septage, portable toilet/vault toilet type waste, and car wash sump waste is treated in a manner consistent with the rules and regulations. Therefore, an EA is the appropriate level of analysis and an Environmental Impact Statement is not needed. This treatment option is a beneficial reuse of a waste product.

RECOMMENDATION:

The recommendation of the Department is to distribute the EA and request comments from the public regarding the proposed land application site.

EVALUATION OF MITIGATION, STIPULATIONS, AND OTHER CONTROLS ENFORCEABLE BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY OR ANOTHER GOVERNMENT AGENCY:

The proposed land application site and O & M plan must meet the requirements of the Montana Septage Disposal-Licensure law, Air and Water Quality Acts and other Montana environmental laws and regulations as well as County ordinances. Obtaining the necessary approvals and remaining in compliance with these laws and regulations should minimize any adverse environmental effects. The required approvals are given by the Department after appropriate review of complete submittals, unless specified otherwise. The licensee will operate the site under the guidelines of the approved

O & M Plan. Constant failure to operate within the constraints of the approved O & M Plan will result in Department Enforcement action which may include penalties and withdrawal of the site. In accordance with ARM 17.50.809(12) and 17.50.816(6), the septage type waste may be applied at a rate not to exceed the calculated AAR. The annual rate calculation is determined to prevent the over application of nitrogen in excess of crop needs and its potential movement through soil to groundwater. Based upon the wheat crop on site, the AAR for the Karl Mavencamp property is calculated to be 63,461 gallons per acre per year for septage type waste and 31,730 gallons per acre per year for portable toilet/vault toilet type waste. The AAR is based upon the use of the nitrogen and other nutrients in the waste by the wheat crop that requires 165 pounds of nitrogen per acre for continued production.

Other groups or agencies contacted or which may have over-lapping jurisdiction:

Phillips County Health Department

Individuals or groups contributing to this EA:

Mr. Perry Dolphay/P.D. Septic LLC

Mr. Martin Van Oort/Solid Waste Program Hydrogeologist

Montana Natural Heritage Program

Montana Historical Society State Historic Preservation Office

Natural Resource Information System

Bergantino, R.N., 1999, Geologic map of the Malta 30' x 60' quadrangle, northeast Montana, Montana Bureau of Mines and Geology: Open-File Report 389, 4 p., 2 sheet(s), 1:100,000.

Montana Tech of the University of Montana, 2010, Montana Bureau of Mines and Geology, Groundwater Information Center, <http://mbmgwic.mtech.edu/>

United States Department of Agriculture, 2010, Natural Resources Conservation Service, Web Soil Survey, <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

EA prepared by:

Renai Hill - DEQ Permitting and Compliance Division, Waste and Underground Tank Management Bureau, Solid Waste Program

Date: May 18, 2011

APPENDIX

EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS RELATED TO THE PROPOSED FACILITY

This section evaluates potential environmental effects that may occur if the land application site is licensed. **Bolded headings I and II** corresponds to Tables 1 and 2. The number on each of the underlined resource headings corresponds to one of the resources listed in the tables. Generally, only those resources potentially affected by the proposal are discussed. If there is no effect on a resource, it may not be mentioned in the appendix.

Direct and indirect impacts are those effects that occur in or near the proposed project area and might extend over time. Often, the distinction between direct and indirect effects is difficult to define, thus in the following discussion, impact or effect means both types of effects.

Cumulative impacts are restricted to the net effects of the proposed project because no other known projects are proposed in this area. Secondary impacts are induced by a direct impact and occur at a later time or distance from the triggering action. No secondary impacts are expected.

Table 1 - IMPACTS TO THE PHYSICAL ENVIRONMENT

PHYSICAL ENVIRONMENT		Major	Moderate	Minor	None	Unknown	Attached
1. TOPOGRAPHY: Are there unusual geologic features? Will the surface features be changed?					✓		
2. GEOLOGY & SOIL QUALITY, STABILITY & MOISTURE: Are fragile, compactible, or unstable soils present? Are there special reclamation considerations?					✓		
3. WATER QUALITY, QUANTITY & DISTRIBUTION: Are important surface or ground water resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality?					✓		
4. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?					✓		
5. DEMANDS ON ENVIRONMENTAL RESOURCES OR 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?					✓		
6. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other studies, plans or projects on this tract?					✓		
7. TERRESTRIAL, AVIAN, AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds, or fish?				✓			✓
8. VEGETATION COVER, QUANTITY & QUALITY: Will vegetative communities be permanently altered? Are any rare plants or cover types present?				✓			✓
9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Any species of special concern?				✓			✓
10. HISTORICAL AND ARCHAEOLOGICAL SITE: Are any historical, archaeological, or paleontological resources present?					✓		✓
11. AESTHETICS: Is the project on a prominent topographical feature? Will it be visible from populated or scenic areas? Will there be excessive noise, light, or odors?					✓		✓
12. AGRICULTURE: Will grazing lands, irrigation waters or crop production be affected?				✓			✓

CUMULATIVE AND SECONDARY IMPACTS — The cumulative impacts from the proposed approval and licensure of the land application site are minor. The land application parcels will be rotated to facilitate the use of the nitrogen and other land applied nutrients for the production of wheat. There are no recognized secondary impacts.

I. POTENTIAL IMPACTS OF THE PROPOSED LAND APPLICATION SITE ON THE PHYSICAL ENVIRONMENTS (See Table 1)

7. Terrestrial, Avian, and Aquatic Life and Habitats

There are no wetlands or permanent surface water bodies located on the proposed site. Because no continuously active aquatic systems exist within the boundary of the proposed site, it is unlikely that there is any significant aquatic life or habitat anywhere on the site. Therefore, the impact to aquatic species is negligible. There was no intensive survey performed to study the presence of or impact to terrestrial or avian species within the land application site. However, there is adequate acreage of similar habitat available in the vicinity of the site to accommodate any species that may be forced to relocate. Consequently, any terrestrial or avian species will likely relocate to the adjacent locations.

8. Vegetation Cover, Quantity & Quality

An annual application rates (AAR) will be used for the pumpings being land applied to the ground surface at the site. This will ensure that over application does not occur and that the wheat crop grown on the site can use the nitrogen being land applied. Land application sites are rotated on an annual basis to facilitate the production of crops that will utilize the nitrogen and other nutrients contained in the waste. The proposed site is agricultural land with wheat crops being actively grown and impacts on vegetative cover due to the proposed land application of septage type waste at this site will be minor.

9. Unique, Endangered, Fragile, Or Limited Environmental Resources

A search of the Montana Natural Heritage Program indicated the American White Pelican, Black-crowned Night-Heron, White-faced Ibis, Greater Sage-Grouse, Long-billed Curlew, Franklin's Gull, Caspian Tern, Common Tern, Sprague's Pipit, Grasshopper Sparrow, Chestnut-collared Longspur, and Scarlet Ammannia are listed as sensitive within a 5 mile radius of the site. There are no wetlands or permanent surface water bodies located on the proposed site. In addition, no intensive site survey was conducted to study the presence of or impact to sensitive, unique, endangered, or fragile species within or adjacent to the proposed land application site. Therefore, due to the sparse development and human population adjacent to the proposed site, there is adequate acreage of similar habitat available in the vicinity to accommodate any species that may be forced to relocate.

10. Historical and Archaeological Site

A cultural resource file search was conducted for the site. Records indicate there have been no previously recorded sites within Section 36, T31N, R30E. The State Historic Preservation Office feels there is a low likelihood cultural properties will be impacted and therefore a cultural resource inventory is unwarranted at this time. However, should cultural materials be inadvertently discovered during this project, the State Historic Preservation Office should be contacted and the site investigated.

12. Agriculture

Agricultural activities in the area consist primarily of grazing lands and tillable non-irrigated land - fallow. The pumpings from the pumper business will be land applied to the ground surface using annual application rates (AAR) for those wastes. At this site, septage type waste will be applied at a rate not to exceed 63,461 gallons per acre per year and portable toilet/vault toilet type waste will be applied at a rate not to exceed 31,730 gallons per acre per year. This will ensure that over application does not occur and that the wheat crop grown on the site can use the nitrogen being land applied. Land application sites are rotated on an annual basis to facilitate the production of wheat that will utilize the nitrogen and other nutrients contained in the waste.

Table 2 - IMPACTS TO THE HUMAN ENVIRONMENT

HUMAN ENVIRONMENT		Major	Moderate	Minor	None	Unknown	Attached
1. SOCIAL STRUCTURES & MORES: Is some disruption of native or traditional lifestyles or communities possible?					✓		
2. CULTURAL UNIQUENESS & DIVERSITY: Will the action cause a shift in some unique quality of the area?					✓		
3. DENSITY & DISTRIBUTION OR POPULATION & HOUSING: Will the project add to the population and require additional housing?					✓		
4. HUMAN HEALTH & SAFETY: Will this project add to health and safety risks in the area?					✓		✓
5. COMMUNITY & PERSONAL INCOME: Will the facility generate or degrade income?					✓		
6. QUANTITY & DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimate number.					✓		
7. LOCAL & STATE TAX BASE REVENUES: Will the project create or eliminate tax revenue?					✓		
8. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?					✓		✓
9. INDUSTRIAL, COMMERCIAL, & AGRICULTURAL ACTIVITIES & PRODUCTION: Will the project add to or alter these activities?					✓		
10. ACCESS TO & QUALITY OF RECREATIONAL & WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract?					✓		
11. LOCALLY ADOPTED ENVIRONMENTAL PLANS & GOALS: Are there state, county, city, USFS, BLM, tribal, etc., zoning or management plans in effect?					✓		
12. TRANSPORTATION: Will the project affect local transportation networks and traffic flows?					✓		✓

CUMULATIVE AND SECONDARY IMPACTS — There are no cumulative impacts recognized from the applicant's use of the proposed land application site. There are no recognized secondary impacts.

II. POTENTIAL IMPACTS OF THE PROPOSED LAND APPLICATION SITE ON THE HUMAN ENVIRONMENTS (See Table 2)

4. Human Health & Safety

The septage, portable toilet/vault toilet type waste, and car wash sump waste will be applied at the site on an as needed basis, alkali-stabilization, and harrowed within 6 hours of application. There are no health or safety issues of concern with this type of waste when applied in accordance with the laws and rules of Montana.

8. Demand for Government Services

The local Health Department and Department will conduct periodic inspections at the site. No additional government services will be required.

12. Transportation

The land application site will be used on an as needed basis by one pumper business and will not cause a significant increase in traffic on the roadway.