



Montana Department of
ENVIRONMENTAL QUALITY

"Healthy environment, healthy people"

Steve Bullock, Governor
Tracy Stone-Manning, Director

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.mt.gov

January 29, 2013

John Doyle, Chairman
Apsaalooke Water and Wastewater Authority
PO Box 159
Crow Agency, MT 59022

RE: Apsaalooke Water and Wastewater Authority, Phase 3 Wastewater Collection System Improvements, STAG Grant XP-97889701 (as amended), Big Horn County, WPCSRF Project# C303202

Dear Mr. Doyle:

An environmental review of the above referenced project has been completed by the Water Pollution Control SRF 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. (It is not necessary to print the location map.) Please have the Notice with location map and the Wastewater Facilities Plan Preliminary Engineering 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, you can call me at the number listed below. Thank you.

Sincerely,

Michele Marsh, P.E.
State Revolving Fund Loan Program
Technical and Financial Assistance Bureau
mmarsh@mt.gov
406.444.5322

Encl

cc: Brian Friel, USEPA Region VIII
Lori Benner, Nittany Grantworks
Jill Cook, Morrison-Maierle, Inc.
Janet Held, MT USDA, Bozeman
Frances Pretty Paint, Crow Tribe Grants and Contracts



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NOTICE OF PUBLICATION OF CATEGORICAL EXCLUSION

Apsaalooke Water and Wastewater Authority
SRF Project#: C303202

PHASE 3 WASTEWATER COLLECTION SYSTEM IMPROVEMENTS

January 29, 2013

The Montana Department of Environmental Quality has reviewed the above-named project. The project consists of construction of approximately 8,750 lineal feet of 8-inch sewer main; approximately 1,700 lineal feet of 10-inch sewer main; and 46 manholes. This project replaces existing sewer mains located throughout Crow Agency, many of which are beyond their design life, undersized, or are at less than the minimum desired pipe slope. These deficiencies in the existing collection system have caused the backup and surfacing of sewage, creating a risk to public health and safety.

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 U.S. Environmental Protection Agency has also determined that the improvements to the wastewater collection system in Crow Agency qualify for a Categorical Exclusion consistent with regulations (40 CFR 6.204) implemented under the National Environmental Policy Act. This project addition adds no significant environmental impact to the overall project. The addition will result in improved water quality in the Little Bighorn River.

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

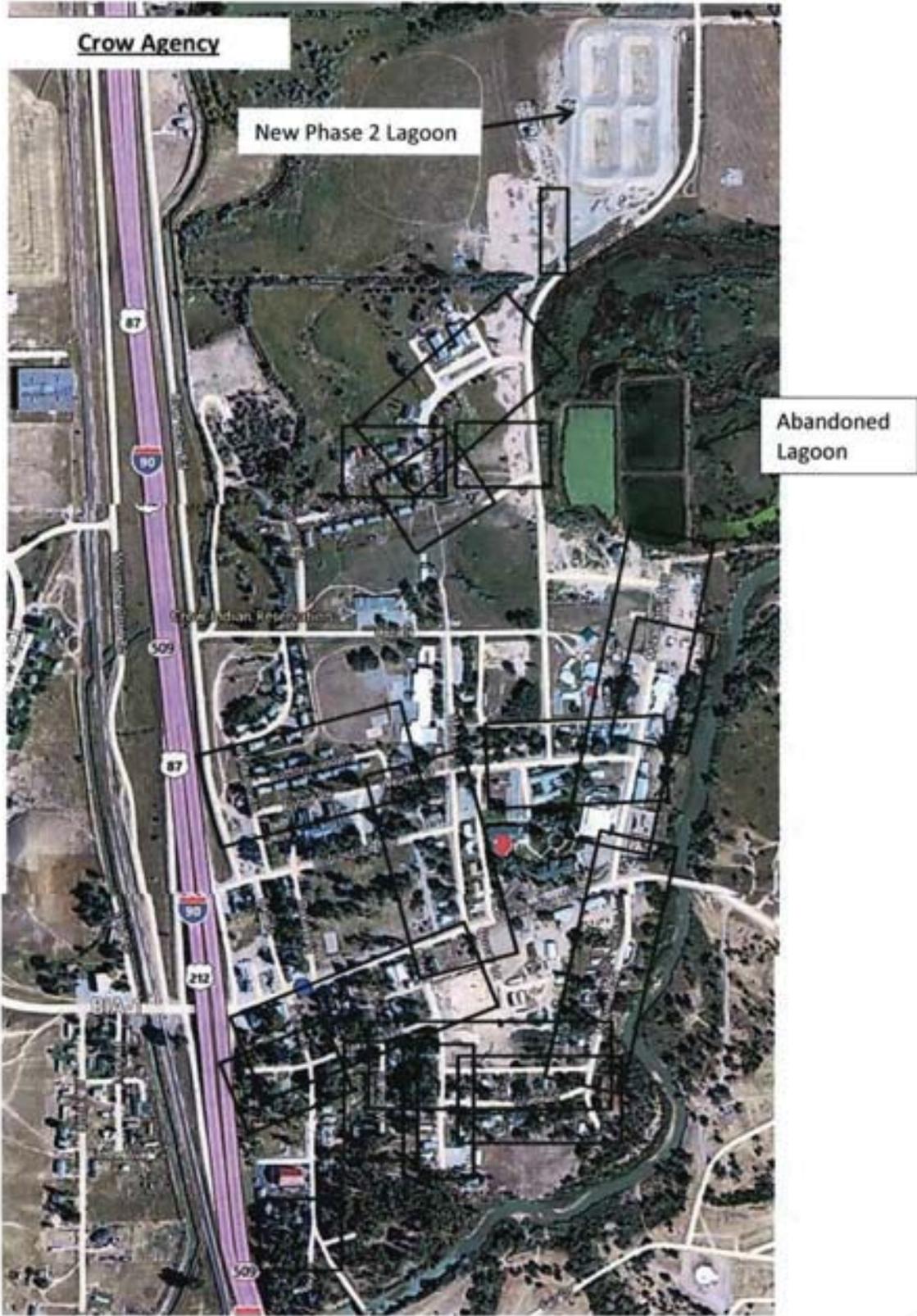
Apsaalooke Water and Wastewater Authority
Crow Tribal Administration Building
159 Baacheeitché Avenue
Crow Agency, MT 59022

U.S. Environmental Protection Agency
Region 8, Montana Office
10 West 15th Street, Suite 3200
Helena, Montana 59620

Sincerely,

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

**Apsaalooke Water & Wastewater Authority
Wastewater Collection System Improvements
Township 3 South, Range 34 East, E ½ , Section 1**



 Rectangular areas indicate location of sewer main installations

CHAPTER III – ATTACHMENT D

DOCUMENTATION OF CATEGORICAL EXCLUSION DETERMINATION CHECKLIST

Project Name / Brief Description: Crow Agency Ph 3 WW Collection System

Project Number: C303202 (XP-97889701 - Contract A) (XP-97858801 - Contract B)

Date: 2-1-12

Preparer: Michele Marsh

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;
- yes 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
- NA 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.]

X 13. Project meets the above Categorical Exclusion criteria.

X 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.

Michele Marsh

STATE PREPARER

Mohi Abraham

STATE REVIEWER

COMPLETION DATE