

**DEPARTMENT OF ENVIRONMENTAL QUALITY
Environmental Assessment**

**Permitting and Compliance Division
Water Protection Bureau**

Name of Project: Yellowstone Energy Limited Partnership Ash Monofill

Type of Project: Landfill of Petroleum Ash under the Montana Ground Water Pollution Control System (MGWPCS) permit program

Location of Project: Southeast ¼ of Section 24, Northeast ¼ of Section 25, Township 8 South, Range 25 East,

City/Town: Warren

County: Carbon

Description of Project: This Environmental Assessment (EA) is for a permit renewal for the Yellowstone Energy Limited Partnership Ash Monofill. The proposed permit renewal does not authorize the permittee to discharge effluent from the ash monofill.

Agency Action and Applicable Regulations: The proposed action is to renew an individual MGWPCS permit that contains monitoring and reporting requirements. The permit is issued under the authority of the Montana Water Quality Act (MCA 75-5-101 *et seq.*), Montana Ground Water Pollution Control System (ARM 17.30.1001-1045), and Montana Numeric Water Quality Standards in the Department Circular DEQ-7 (October 2012).

Summary of Issues: The purpose of this action is to regulate the discharges of pollutants to state waters from the regulated facility. Issuance of an individual permit will require the applicant to implement, monitor, and manage practices to prevent pollution and the degradation of ground water.

Affected Environment & Impacts of the Proposed Project:

Y = Impacts may occur (explain under Potential Impacts).

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] The facility is not expected to discharge effluent at any time.
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] The nearest surface water to the facility is at a distance of over one mile downgradient from Outfall 001.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	[N] No significant impacts have been determined.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	[N] Based on a search of the Natural Heritage Database, the Woolly Prince's plume is the only vegetative species listed within three miles of the facility. This species is ranked with a range of potentially at risk to apparently secure.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	[N] The Natural Heritage Database lists the following vertebrate species as S1 or S2 within three miles of the facility: the Greater Sage Grouse, the Blue-gray Gnatcatcher, the Yellowstone Cutthroat Trout, and the Western Spotted Skunk. The Greater Sage Grouse, the Blue-gray Gnatcatcher, and Yellowstone Cutthroat Trout are listed as at risk species. The Western Spotted Skunk is listed with a range of uncertainty as at high risk to potentially at risk.
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] See #4 and #5 above. The site lies in the Bighorn Basin, a unique ecosystem in Montana. This area has very rich biological diversity values due to the environmental gradient, geographic location and plant endemism. The bighorn desert region contains many endemic and peripherally uncommon plant and animal species with communities that are more typical of the Great Basin and Colorado Plateau.

IMPACTS ON THE PHYSICAL ENVIRONMENT

<p>7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p>[N] An inventory of any cultural and historical sites was performed and documented prior to the construction of the facility. In the event that cultural materials are inadvertently discovered the permittee should contact the Montana State Historic Preservation Office for further investigation.</p>
<p>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?</p>	<p>[N] No significant impacts have been identified.</p>
<p>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?</p>	<p>[N] No significant impacts have been identified. Monitoring and reporting of the ground water quality is required.</p>
<p>10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?</p>	<p>[N] The facility is adjacent to the active and expanding Bighorn Limestone Quarry.</p>

IMPACTS ON THE HUMAN ENVIRONMENT

<p>11. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?</p>	<p>[N] No significant impacts have been identified. The facility has Best Management Plans that control for any fugitive dust.</p>
<p>12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?</p>	<p>[N] No significant impacts have been identified.</p>
<p>13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.</p>	<p>[N] No significant impacts have been identified. This is an existing facility and the creation of new jobs is not expected.</p>
<p>14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?</p>	<p>[N] No significant impacts have been identified.</p>
<p>15. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc.) be needed?</p>	<p>[N] No significant impacts have been identified.</p>
<p>16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?</p>	<p>[N] No significant impacts have been identified.</p>

IMPACTS ON THE HUMAN ENVIRONMENT

<p>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?</p>	<p>[N] No significant impacts have been identified.</p>
<p>18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?</p>	<p>[N] No significant impacts have been identified.</p>
<p>19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?</p>	<p>[N] No significant impacts have been identified.</p>
<p>20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?</p>	<p>[N] No significant impacts have been identified.</p>
<p>21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:</p>	<p>[N] No significant impacts have been identified.</p>
<p>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.</p>	<p>[N] No significant impacts have been identified.</p>
<p>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.</p>	<p>[N] No significant impacts have been identified.</p>
<p>22(c). PRIVATE PROPERTY IMPACTS: If the answer to 22(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.</p>	<p>[N] No significant impacts were identified in 22(b).</p>

23. Description of and Impacts of other Alternatives Considered:

- A. No Action: Under the “No Action” alternative, the Department would not issue an individual ground water discharge permit under the Montana Ground Water Pollution Control System administrative rules. The proposed action will have environmental benefits compared to leaving the facility unpermitted.

B. Approval with modification: The Department has not identified any necessary modifications to grant approval.

24. **Summary of Magnitude and Significance of Potential Impacts:** Impacts were assessed with the assumption that the facility will comply with the terms and conditions of the permit. Violations of the permit could lead to significant adverse impacts to state waters. Violations of the permit are not an effect of the agency action since the permit itself forbids such activities. However, the Department has taken steps to ensure that violations do not occur. The terms of the permit have been clarified and modified in response to comments from regulated parties, the public and other agencies. The Department provides assistance to applicants in understanding and implementing the requirements of the permit. The Department also conducts periodic inspections of permitted facilities, and identifies potential problems with design or management practices. If violations of the permit do occur, the Department will take appropriate action under the water quality act (75-5-617, MCA). Enforcement sanctions for violations of the permit include injunctions, civil and administrative penalties, and cleanup orders.
25. **Cumulative Effects:** The issuance of this individual MGWPCS discharge permit would not have cumulative effects because the permit prohibits pollution and degradation of state waters.
26. **Preferred Action Alternative and Rationale:** The preferred action is to reissue the individual MGWPCS permit. This action is preferred since the permit provides a regulatory mechanism for protecting ground water quality through monitoring requirements.

Recommendation for Further Environmental Analysis:

EIS More Detailed EA No Further Analysis

Rationale for Recommendation: An EIS is not required under the Montana Environmental Policy Act because the project lacks significant adverse effects to the human and physical environment.

27. **Public Involvement:** This draft EA will be posted on the Department web page: <http://deq.mt.gov/notices/WQnotices.mcpX>. For copies of the draft EA or to submit comments, write or call the Montana Department of Environmental Quality, Metcalf Building, Helena, MT 59620-090. If you wish to comment electronically, you may e-mail the Department at WPBPublicNotices@mt.gov.

Comments will be received for 30-days after the date of the signature below.

The Department maintains a list of persons who have expressed an interest in all environmental water quality related issues. The Department will send a copy of this document to all persons who have submitted their name, address, and telephone number to the Department for the purpose of being included on the water quality interested parties' mailing list.

28. Persons and agencies consulted in the preparation of this analysis:
- Montana Natural Heritage Program
 - Montana Bureau of Mines and Geology web site
 - Montana Fish and Wildlife web site, animal species information web page
 - Natural Resource Information System, Montana State Library
 - Historical Preservation Society
 - United States Department of Agriculture, Natural Resources Conservation Service
 - Soil Survey

EA Checklist Prepared By:

Tommy Griffeth

February 20, 2013

Approved By:

Paul Skubinna, Chief
Water Protection Bureau
Permitting and Compliance Division

Signature

Date