

DEPARTMENT OF ENVIRONMENTAL QUALITY
Environmental Assessment

Permitting and Compliance Division
Water Protection Bureau

Name of Project: ConocoPhillips Company, Billings Refinery

Location of Project: 401 S. 23rd St.

City/Town: Billings

County: Yellowstone

Description of Project:

This is a major modification of an MPDES permit for the ConocoPhillips Billings Refinery. The modification will add a new outfall and effluent limits for a proposed discharge directly to the Yellowstone River.

Agency Action and Applicable Regulations: The proposed action of the Department is to issue the modified MPDES permit with applicable water quality-based effluent limits to protect beneficial uses of the Yellowstone River.

Applicable rules and statute:

ARM Title 17, Chapter 30, Sub-chapter 2 - Water Quality Permit Application and Annual Fees.

ARM Title 17, Chapter 30, Sub-chapter 5 - Mixing Zones in Surface and Ground Water.

ARM Title 17, Chapter 30, Sub-chapter 6 - Surface Water Quality Standards.

ARM Title 17, Chapter 30, Sub-chapter 7 - Nondegradation of Water Quality.

ARM Title 17, Chapter 30, Sub-chapter 12 and 13 - Montana Pollutant Discharge Elimination System Standards.

Montana Water Quality Act, MCA 75-5-101 et. seq.

Summary of Issues: Discharge will be directly to the Yellowstone River with water quality-based effluent limits for arsenic and selenium. DEQ has determined the discharge does not constitute a new or increased source, as described in the Fact Sheet.

Affected Environment & Impacts of the Proposed Project:

Y = Impacts may occur (explain under Potential Impacts). *Include frequency, duration (long or short term), magnitude, and context for any significant impacts identified. Reference other permit analyses when appropriate (ex: statement of basis). Address significant impacts related to substantive issues and concerns. Identify reasonable feasible mitigation measures (before and after) where significant impacts cannot be avoided and note any irreversible or irretrievable impacts. Include background information on affected environment if necessary to discussion.*

N = Not present or No Impact will likely occur. *Use negative declarations where appropriate (wetlands, T&E, Cultural Resources).*

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) This facility is long established and represents no new impacts. This EA and permit does not address the construction of the discharge point. The permittee will be required to obtain all necessary federal, state, and local permits and approvals prior to construction of the new Outfall.
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 effluent will be subject to water quality-based effluent limits to protect the water quality standards. Effluent limits are established in accordance with MPDES rules and regulations to protect the beneficial uses of the receiving water.
3. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)?	(N) This facility is long established and represents no new impacts. See number 1 above.
4. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be significantly impacted? Are any rare plants or cover types present?	(N) This facility is long established and represents no new impacts. See number 1 above.
5. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish?	(N) This facility is long established and represents no new impacts. See number 1 above.
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) This facility is long established and represents no new impacts. See number 1 above.
7. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?	(N)
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)
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)
10. IMPACTS ON OTHER ENVIRONMENTAL RESOURCES: Are there other activities nearby that will affect the project?	(N)

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) Water quality-based effluent limits will protect the human health water quality standards.
12. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?	(N) No impacts are expected at this time.
13. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number.	(N) No impacts are expected at this time.
14. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue?	(N) No impacts are expected at this time.
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 impacts are expected at this time.
16. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?	(N) No impacts are expected at this time.
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 impacts are expected at this time.
18. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing?	(N) No impacts are expected at this time.
19. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?	(N) No impacts are expected at this time.
20. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?	(N) No impacts are expected at this time.
21. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:	(N) No impacts are expected at this time.
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.	No
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.	[]

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.	[]

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: The preferred action is to issue the modified MPDES permit with new water quality-based effluent limits for the proposed outfall. 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 [X] No Further Analysis

Rationale for Recommendation:

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

Date: April 17, 2013

Approved By:

Paul Skubinna, Chief
Water Protection Bureau

Date