



FINAL ENVIRONMENTAL ASSESSMENT

September 1, 2026

**Waste Management and Remediation Division
Montana Department of Environmental Quality**

PROJECT/SITE NAME: Miller Scollard Family Limited Partnership

APPLICANT/COMPANY NAME: Big Sky Portables

LICENSE NUMBER: S-1175

LOCATION: Section 6, Township 4 South, Range 19 East

COUNTY: Stillwater

PROPERTY OWNERSHIP: PRIVATE

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1. OVERVIEW OF PROPOSED ACTION

1.1 Authorizing Action

Under the Montana Environmental Policy Act (MEPA), Montana agencies are required to prepare an environmental review for state actions that may have an impact on the Montana environment. The proposed action is considered to be a state action that may have an impact on the Montana environment and, therefore, the Department of Environmental Quality (DEQ) must prepare an environmental review. This EA will examine the proposed action and alternatives to the proposed action and disclose potential and proximate impacts that may result from the proposed and alternative actions. DEQ will determine the need for additional environmental review based on consideration of the criteria set forth in Administrative Rules of Montana (ARM) 17.4.608.

1.2 Description of DEQ Regulatory Oversight

DEQ implements the Septage Disposal and Licensure laws at Title 75, chapter 10, part 12, Montana Code Annotated (MCA), overseeing the licensure of persons engaged in the business of cleaning cesspools, septic tanks, and privies or disposing of septage. Included in this authority, DEQ oversees the approval and management of septage land application sites. DEQ is also responsible for the regulation of air and water quality under the Clean Air Act of Montana (CAA), §§ 75-2-101, *et seq.*, MCA, maintaining air quality standards that protect human health and safety and the Montana Water Quality Act (WQA), which governs discharges of pollutants to Montana state waters (75-5-101, *et seq.*, MCA). DEQ continuously oversees land application sites for compliance with septage land application rules (ARM 17.50.812).

1.3 Proposed Action

DEQ would approve a disposal land application site under the Septage Disposal and Licensure laws for Big Sky Portables LLC, if DEQ has determined that Big Sky Portables LLC met the criteria set forth in Title 75, chapter 10, part 12, MCA, and ARM Title 17, chapter 50, subchapter 8. The proposed action would be located on private land in Absarokee, Montana, as depicted in Figure 1 below. All information included in this EA is derived from the application, discussions with the applicant, analysis of aerial photography, topographic maps, and other research tools.

Table 1: Summary of Proposed Action

General Overview	Upon approval of the new land application site, Big Sky Portables would begin land applying septage on the approved site. The land application would include a truck (Ford F350) with a 270-gallon tank driving into a field, releasing a valve, and allowing septage to be spread onto the field. The truck then drives along the field until the truck is empty. The septage is pH adjusted via bioxins and other methods to prevent vectors and reduce pathogens. This activity replaces the use of chemical fertilizers as a soil amendment. Setbacks outlined in ARM along with other operations would be met and prevent harm to human health and the physical environment.
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Estimated Disturbance	Septage would be land applied on approximately 20 acres of private land on the Miller Scollard property.
Location and Analysis Area	Location: 45.508430, -109.430530, Absarokee, MT 59001 Analysis Area: The area being analyzed as part of this environmental review includes the immediate project area (Figure 1), as well as neighboring lands surrounding the analysis area, as reasonably appropriate for the impacts being considered.

Table 2. The applicant is required to comply with all applicable local, county, state, and federal requirements pertaining to the following resource areas.

Air Quality	Because of the moisture of the septage, any dust would be minimized by the land application of the septage being disposed across the site.
Water Quality	To protect surface and groundwater resources, the applicant must not apply pumpings to land within 100 feet of a drinking water supply source, or to apply pumpings to land within 150 feet of any state surface water, including ephemeral or intermittent drainages and wetlands per ARM 17.50.509 (2) and (3).
Erosion Control and Sediment Transport	To reduce impacts of erosion, the applicant cannot apply pumpings on land with a slope grade greater than 6% per ARM 17.50.509 (6).
Solid Waste	The applicant would be required to remove litter from the proposed site within six hours of application per ARM 17.50.509 (10).
Cultural Resources	In a letter to the applicant, the State Historic Preservation Office (SHPO) stated that as long as there would be no disturbance or alteration to structures over fifty years of age, they feel that there will be no cultural or historic properties affected by this undertaking. They, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials are inadvertently discovered during the proposed action, they ask that their office be contacted, and the site investigated.

Table 3: Cumulative Impacts

Past Actions	The site has been used for agriculture, and for biosolid application by Absarokee Water and Sewer District previously. This site has never been approved for septage land application previously.
Present Actions	The site is currently utilized for grass production by the landowner.

Related Future Actions	Future actions are unknown at this time. The applicant may submit to DEQ an application to amend the plan for the site at any time, which DEQ would review pursuant to Montana law, 75-10-1202, MCA. Any future actions would be subject to corresponding MEPA review.
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1.4 Purpose, Need, and Benefits

DEQ's purpose in conducting this environmental review is to act upon Big Sky Portable's application to add a new septage land application site to their existing septic pumper license. DEQ's action on the application is governed by § 75-10-1211, et seq., Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM) 17.50.803, et seq. DEQ made a preliminary decision that the application was complete on January 4, 2026.

The applicant's purpose and need, as expressed to DEQ in seeking this action, is to properly manage land application of septage. Big Sky Portables LLC's application was submitted to DEQ under the laws and rules for licensing septic tank pumpers, demonstrating their intent to meet the minimum requirements for the pumping and land application of septage. A licensed land application program recognizes and employs practices that maximize those benefits.

1.5 Amount and Extent of Septage Application

Land application must not exceed the AAR (gallons per acre per year) based on:

1. The nitrogen content of the waste applied at the Site (EPA, 1993); and
2. The crop nitrogen yields for the crop or other vegetation at the Site.

The AAR for portable toilet and vault type waste is calculated as follows:

$$\text{AAR} = \frac{\text{minimum crop nitrogen requirement (lbs./acre/year)}}{0.0052 \text{ (lbs./gallon)}}$$

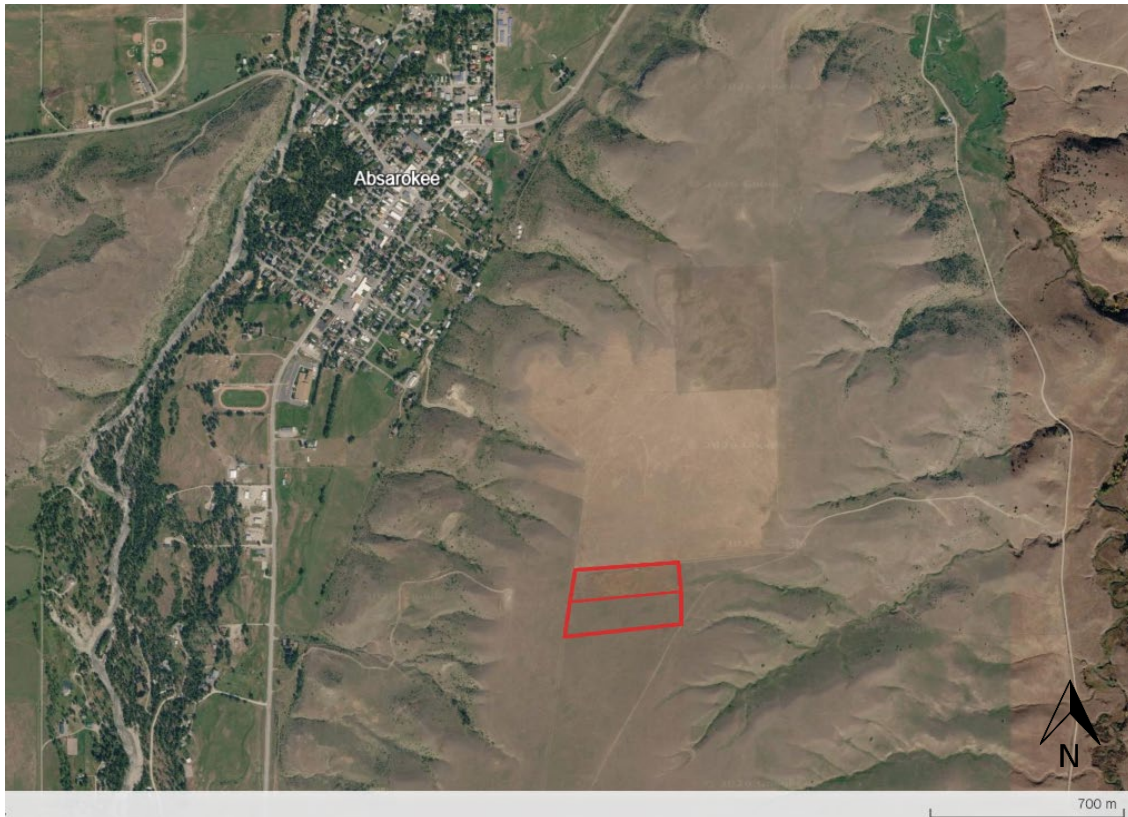
20 Acres of the Site would be used to grow grass. The nitrogen requirement for pasture grass is 75 pounds per acre per year based on a conservative yield expectation at the Site (Fertilizer Guidelines for Montana Crops, 2005; EPA, 1993). For the grass, the resulting AAR for septage is 14,423.1 gallons per acre per year, which is equal to less than 5/8th inches of liquid applied annually per acre. For comparison, the average annual precipitation in the Absarokee area is 15 inches per year.

Land application of septage at the AAR is alternated annually between separate parcels to allow for agronomic crop uptake of the applied nitrogen. Plants can utilize nitrogen available from the septage if the volume of septage applied each year does not exceed the AAR. When land application is rotated, one parcel is used every year. For example, if 100 acres are proposed for land application, 50 acres would be used one year and the other 50 acres would be used similarly the next year. In this case, Big Sky Portables would rotate the Site's acreage each year. The residual soil nutrient levels at each parcel would vary over time. DEQ may periodically monitor the soil for nutrient content to determine compliance with the AAR.

The maximum capacity of the site per year is 288,461 gallons and the proposed amount of septage to be applied is 10,000 gallons per year.

Based on these calculations the Miller Scollard property could treat the proposed volume of waste without exceeding the site AAR each year.

Figure 1: General Location of the Proposed Project



1.6 Other Governmental Agencies and Programs with Jurisdiction

The proposed action would be located on private land. All applicable local, state, and federal rules must be adhered to, which may also include other local, state, federal, or tribal agency jurisdiction. Other governmental agencies which may have overlapped, or additional jurisdiction include but may not be limited to: Stillwater County and the Stillwater County Health Department.

2. EVALUATION OF AFFECTED ENVIRONMENT AND IMPACT BY RESOURCE

The impact analysis will identify and evaluate the proximate direct and secondary impacts to the physical environment and population in the area to be affected by the proposed project. *Direct impacts* occur at the same time and place as the action that causes the impact. *Secondary impacts* are a further impact to Montana's environment that may be stimulated, induced by, or otherwise result from a direct impact of the action (ARM 17.4.603(18)). Where impacts would occur, the impacts will be described in this analysis. When the analysis discloses environmental impacts, these are proximate impacts pursuant to 75-1-201(1)(b)(iv)(A), MCA.

Cumulative impacts are the collective impacts on Montana's environment within the borders of Montana of the proposed action when considered in conjunction with other past and present actions related to the proposed action by location and generic type. Related future actions must also be considered when these actions are under concurrent consideration by any state agency through pre-impact statement studies, separate impact statement evaluation, or license processing procedures. The projects identified in Table 1 were analyzed as part of the cumulative impacts assessment for each resource.

The duration is quantified as follows:

- **Operation Impacts (long-term):** These are impacts to the environment during the operational period. When analyzing duration, please include a specific range of time.

The intensity of the impacts is measured using the following:

- **No impact:** There would be no change from current conditions.
- **Negligible:** An adverse or beneficial effect would occur but would be at the lowest levels of detection.
- **Minor:** The effect would be noticeable but would be relatively small and would not affect the function or integrity of the resource.
- **Moderate:** The effect would be easily identifiable and would change the function or integrity of the resource.
- **Major:** The effect would alter the resource.

2.1 Geology and Soil Quality, Stability and Moisture

The proposed site lies roughly 20 miles northeast of the Beartooth mountains on a bluff approximately one mile southeast of the town of Absarokee, Montana. The surficial geology of the analysis area consists of Quaternary undifferentiated clastic sediments. The proposed site is entirely on well-draining Turner clay loam.

Direct Impacts

No impacts to geology would be anticipated because of the proposed action. The geology of the area remains unaltered or unaffected by agriculture activities. The applicant would

be required to not apply pumpings on land with a greater than 6% slope per ARM 17.50.509 (6). A minor positive impact to soils would be anticipated due to the additional moisture and nutrients from land septage application.

Secondary Impacts

No secondary impacts to geology or soils would be expected because of the proposed action.

Cumulative Impacts

No cumulative impacts to geology or soils would be expected because of the proposed action.

2.2 Water Quality, Quantity, And Distribution

Precipitation in the area has an annual accumulation of approximately 15.53 inches ([US Climate Data](#)). The proposed action is in an area of minimal flood hazard according to the Federal Emergency Management Agency ([FEMA](#)). The location of the site has a slope of zero which means no runoff will occur and all would absorb into the soil and is located outside the 100-year floodplain. Primary surface water bodies are located more than 150 feet away from the proposed location. Drinking water sources are also located greater than 100 feet from the proposed pumping location. Depth to groundwater in the area ranged between 10 feet to 130 feet below ground surface according to the closest wells mapped by the Groundwater Information Center ([GWIC](#)). The shallowest well is located 0.60 miles west from the proposed application site.

The proposed location does not contain any areas designated as wetland habitat by the United States Fish and Wildlife Services ([USFWS Wetlands Map](#)) or the Montana National Heritage Program ([MTNHP Map](#)). The nearest intermittent stream is located approximately 0.25 miles to the southeast of the proposed site as mapped by the USGS National Hydrography Data Set.

Direct Impacts

No impact to surface waters would occur as the applicant cannot apply pumpings to land within 100 feet of a drinking water supply source or apply pumpings to land within 150 feet of any state surface water, including ephemeral or intermittent drainages and wetlands per ARM 17.50.509 (2) and (3). There will be no stormwater runoff at the proposed site since slope at the site is zero.

Secondary Impacts

No secondary impacts to water quality would be expected. Stormwater impacting the site during a precipitation event will infiltrate into the subsurface and not leave the site. This is due to the site having a slope of zero. No sediment can be carried from the site and deposited via stormwater.

Cumulative Impacts

Cumulative impacts on surface-water and groundwater quality would not be expected. The surrounding areas are brushland used for grazing and agricultural purposes. Animals are allowed to graze on the site 30 days after application of pumpings per ARM 17.50.811.

Therefore, interactions between other operations and the proposed action mean no cumulative impacts on surface waters, or groundwater would occur.

2.3 Air Quality

According to the Clean Air Act of 1977, any national park that is greater than 6,000 acres and any wilderness area greater than 5,000 acres are considered Class 1 airsheds. Although Class 1 airsheds are managed and regulated by the National Park Service, U. S. Fish and Wildlife Service, U. S. Forest Service and Native American Tribes, the state may still redesignate areas to be considered Class 1 airsheds to better protect the air quality of a certain area. The nearest Class I airshed is the Absaroka-Beartooth Wilderness, located roughly 18 miles southwest of the proposed site ([Wilderness Areas of the United States](#)). Septage would be incorporated into the soil surface within six hours of application and dust would be controlled by the moisture being applied to the soil.

Direct Impacts

No impact to air quality would be expected because dust would be controlled through the moisture during septage application.

Secondary Impacts

No secondary impacts to air quality would be expected because of the proposed action.

Cumulative Impacts

No cumulative impacts to air quality would be expected because of the proposed action.

2.4 Vegetation Cover, Quantity, and Quality

The Montana Natural Heritage Program compiles an online report to classify plant Species of Concern and Potential Concern in the state, employing a standardized ranking system to denote global (range-wide) and state status. Species are assigned numeric ranks ranging from 1 (highest risk, greatest concern) to 5 (demonstrably secure), reflecting the relative degree of risk to the species' viability, based upon available information. Species of Concern are native taxa that are at-risk due to declining population trends, threats to their habitats, restricted distribution, and/or other factors. Designation as a Montana Species of Concern or Potential Species of Concern is based on the Montana Status Rank and is not a statutory or regulatory classification (MTNHP, 2025). MTNHP was consulted for the proposed project area. The Slim-pod Venus'-looking-glass is the only occurring plant species of concern in the analysis area. Other potential species of concern not observed occurring in the analysis area have medium to no suitability for the site.

The site is currently grassland. There would be no grazing or crop harvesting at the site as stated in the application.

Direct Impacts

Minor direct impacts to the resource are expected as septage is applied and pH-balanced to prevent vector attraction and to reduce pathogens. The site is accessed via private road, so no additional vegetation disturbance would occur from vehicle traffic.

Secondary Impacts

Beneficial secondary impacts to the resource could occur from the addition of moisture and nitrogen in the applied septage to the soil. Additional moisture and nitrogen at an agronomic rate would benefit vegetation growth.

Cumulative Impacts

No cumulative impacts to the resource would be expected because of the proposed action.

2.5 Terrestrial, Avian, and Aquatic Life and Habitats

Montana Animal Species of Concern are native Montana animals that are considered to be "at risk" due to declining population trends, threats to their habitats, and/or restricted distribution and are reported jointly between the Montana Natural Heritage Program (MTHP) and Montana Department of Fish, Wildlife, and Parks (MFWP). Designation as a Montana Species of Concern or Potential Species of Concern is based on the Montana Status Rank and is not a statutory or regulatory classification (MTHP, 2022). The species of concern occurring in the analysis area at the proposed site would be Great Blue Heron, Long-billed Curlew, Bald Eagle, Bobolink, and Grizzly Bear. The analysis area is also listed as important animal habitat for non-cave bat roosts. The species of concern listed above have medium to low suitability for the site. Other species of concern with no occurrences in the analysis area have low to no suitability for the site. There are no wetland areas on the site. The site is not located in sage grouse habitat according to the Montana Sage Grouse Habitat Conservation Program.

Direct Impacts

The current land use for the site is grassland, so minor impacts to the resource would be expected as disturbance occurs from the application and pH adjustment activities. Wildlife could encounter litter contained in the applied septage, but this would be mitigated as septic pumpers are required to screen or pick litter from their application sites as stipulated in *ARM 17.50.811 Operation and Maintenance Requirements for Land Application or Incorporation of Septage*. Further, wildlife tends to stay away from areas from high human or agricultural activities and odors.

Secondary Impacts

No secondary impacts to the resource would be expected because of the proposed action.

Cumulative Impacts

No cumulative impacts to the resource would be expected because of the proposed action.

2.6 History, Culture, and Archaeological Uniqueness

The State Historic Preservation Office (SHPO) stated that as long as there would be no disturbance or alteration to structures over fifty years of age, they feel that there will be no cultural or historic properties affected by this undertaking. They, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time. However, should structures need to be altered or if cultural materials are inadvertently discovered during the proposed action, they ask that their office be contacted, and the site investigated.

Direct Impacts

No direct impacts on history, culture, or archaeological uniqueness of the property would be expected because of the proposed action.

Secondary Impacts

No secondary impacts to the property would be expected because of the proposed action.

Cumulative Impacts

No cumulative impacts would be expected because of the proposed action.

2.7 Demands on Environmental Resources of Land, Water, Air, or Energy

The proposed action would use some fuel for the operation of the septic tank pumper vehicle. However, this fuel usage would not be expected to be an unusual demand on the area's energy resources. There would be no unusual demands on the land, water, air, or energy. This activity would add needed nitrogen and moisture to the soil and would replace the use of chemical fertilizers as a soil amendment.

Direct Impacts

Based on the analysis of available data, DEQ does not foresee any unusual demands on land, water, air or energy resulting from this proposed action. Therefore, no direct impacts would be anticipated.

Secondary Impacts

No secondary impacts on environmental resources would be expected because of the proposed action.

Cumulative Impacts

No impacts on environmental resource demands would be expected because of the proposed action.

2.8 Human Health and Safety

The applicant would be required to adhere to all applicable state and federal safety laws. The Occupational Safety and Health Administration (OSHA) has developed rules and guidelines to reduce the risks associated with this type of labor. Few, if any, members of the public would be in immediate proximity to the project during operations.

Portable toilet waste would be land applied at the proposed site. The waste would be pH-adjusted to prevent vector attraction per ARM 17.50.811(3)(c). Some of these methods include bioxides (a nitrate solution to reduce odors), or blue chemical (typically found in porta-potties). No livestock would graze on the site within 30 days of land application per ARM 17.50.811(5)(a).

Direct Impacts

Direct impacts to human health and safety of the proposed action are mitigated by OSHA rules and guidelines. No direct risks to human health and safety are expected from the proposed action. Contractors are required to follow applicable state and federal safety

laws. The setback requirements outlined in ARM 17.50.809(1-4) limit any potential impacts to human health from septage land application.

Secondary Impacts

No secondary impacts to human health and safety would be expected from the proposed action because of the surface water and drinking water supply setback requirements.

Cumulative Impacts

No cumulative impacts to human health and safety would be expected from the proposed action.

2.9 Aesthetics

Minor impacts to aesthetics and noise are expected because of the proposed action. The analysis area is the Site and the surrounding area within one mile of the Site.

Direct Impacts

The proposed action would not be visible from any state or county roads. Only one truck would access the proposed site at a time. The pumper truck would access the proposed site via a private drive to conduct land application activities. Noise from the truck at the proposed site would resemble noises from agricultural activities currently occurring in the area. Minor visual and auditory impacts could occur intermittently for the duration of the proposed action. The naturally occurring bacteria in the soil uses carbon in the waste as a fuel source. This activity results in the breakdown of waste, which includes odors. Usually, odors are only detected at the time and immediate vicinity (within feet) of the land application activity. Therefore, a temporary olfactory impact could occur, but would be controlled by pH adjustment. Land application could occur daily. Dust caused by the truck driving during the dry season would be reduced by the moisture content of septage.

Secondary Impacts

No secondary impacts to aesthetics would be expected from the proposed action.

Cumulative Impacts

No cumulative impacts to aesthetics would be expected because of the proposed action.

2.10 Socioeconomics

In preparing an environmental assessment, ARM 17.4.609(3)(e) directs the agency to evaluate, where appropriate, potential topics related to impacts on the human population in the area to be affected by the proposed action. DEQ has determined that the following topic areas are not anticipated to result in impacts that are potentially significant, and thus no further analysis is required:

- **Industrial, Commercial, and Agricultural Activities and Production:** The project would not require construction, road work, or have any socioeconomic impact due to the proposed action.
- **Quantity and Distribution of Employment:** Due to the scale of the proposed action, it is unlikely that employment opportunities would be created as a result of this land application site. The proposed action is not expected to move or

eliminate jobs.

- **Local and State Tax Base and Revenues:** Local, state and federal governments would be responsible for appraising the property, setting tax rates, collecting taxes, etc., from the companies, employees, or landowners benefiting from this operation. Since the proposed site has been used as an agricultural site in the past, it is unlikely that the tax base on the land would be expected to change.
- **Demand for Government Services:** The location of the land septage application would be in a rural agricultural area. As stated by the applicant in the application, one Ford F350 Super Duty would be used for septage application. This would be consistent with current traffic conditions in the area and is not expected to cause an increase in traffic.
- **Locally Adopted Environmental Plans and Goals:** The project area would be subject to any plans or rules set forth by Stillwater County.
- **Access to and Quantity of Recreational and Wilderness Activities:** The proposed activities would occur on private land. The project would not limit access to wilderness or recreational areas nearby.
- **Density and Distribution of Population and Housing:** The project would occur on private land. The area has a population of 1,000. It is also unlikely that the proposed action would add to the population or require additional housing.
- **Social Structures and Mores:** DEQ is not aware of any native cultural concerns that would be affected by the proposed activity and also described in Section 7: Historical and Archaeological Sites above. It is not anticipated that this project would disrupt native or traditional lifestyles or communities.
- **Cultural Uniqueness and Diversity:** DEQ is not aware of any native cultural concerns that would be affected by the proposed activity and also described in History, Culture, and Archaeological Uniqueness above. It is not anticipated that this project would disrupt native or traditional lifestyles or communities.

2.11 Private Property Impacts

The proposed action would take place on private land owned by the Miller Scollard Family Trust, the property owner has agreed to allow the proposed action on their land. DEQ's approval would affect the proposed site as noted in this Draft EA's impacts analysis. However, license conditions ensure compliance with the rules and statutes in place for septage land application. DEQ's approval of the proposed action would not have private property-taking or damaging implications.

2.12 Greenhouse Gas Assessment

DEQ is required to evaluate greenhouse gas (GHG) emissions for proposed actions that meet the statutory definition of a fossil fuel activity, in accordance with 75-1-211 and 75-1-220, MCA. However, pursuant to 75-1-220(8), this proposed action is excluded from the definition of fossil fuel activity and therefore a GHG assessment is not mandatory.

Instead, to determine if a GHG assessment is needed, DEQ applies the MEPA standard of whether GHG emission impacts are potentially significant because of operation of the septic tank pumper vehicle, ARM 17.4.609(3)(d)–(e).

Based on the short operation duration, the limited amount and size of the vehicle, and

the absence of any combustion-based processes during normal operation, DEQ concludes that the operation of the proposed action would not meaningfully increase GHG emissions, and therefore no additional GHG assessment is necessary for purposes of this EA.

3. DESCRIPTION OF ALTERNATIVES

No Action Alternative: In addition to the proposed action, DEQ must also consider a "no action" alternative. The "no action" alternative would deny the approval of a land application site on the Miller Scollard property. The applicant would lack the authority to conduct the proposed activity. Any potential impacts that would result from the proposed action would not occur. The no action alternative forms the baseline from which the impacts of the proposed action can be measured.

If the applicant demonstrates compliance with all applicable rules and regulations required for approval, the "no action" alternative would not be appropriate.

Other Reasonable Alternative(s): Describe any other alternatives that were considered.

4. CONSULTATION

DEQ engaged in internal and external efforts to identify substantive issues and/or concerns related to the proposed project. Internal scoping consisted of internal review of the environmental assessment document by DEQ staff. External scoping efforts also included queries to the resources found in the References section at the end of this document.

5. PUBLIC INVOLVEMENT

After publication of this document on May 20, 2026, there will be a 30-day public comment period that ended on June 19, 2026. Adjacent landowners and other parties of interest including state and county officials were notified of the publication of the document and the opportunity to submit comments regarding the proposed action. During the comment period, DEQ received twelve submissions. Comments covered several topics from the Draft EA. DEQ read, summarized, combined, and considered the substantive elements from the comments. Responses to comments can be found in Section 10 of this EA.

6. SIGNIFICANCE OF POTENTIAL IMPACTS AND NEED FOR FURTHER ANALYSIS

When determining whether the preparation of an environmental impact statement is needed, DEQ is required to consider the seven significance criteria set forth in ARM 17.4.608, which are as follows:

- The severity, duration, geographic extent, and frequency of the occurrence of the impact;
- The probability that the impact will occur if the proposed action occurs; or conversely, reasonable assurance in keeping with the potential severity of an impact that the impact will not occur;
- Growth-inducing or growth-inhibiting aspects of the impact, including the relationship or contribution of the impact to cumulative impacts – identify the parameters of the proposed action;

- The quantity and quality of each environmental resource or value that would be affected, including the uniqueness and fragility of those resources and values;
- The importance to the state and to society of each environmental resource or value that would be affected;
- Any precedent that would be set as a result of an impact of the proposed action that would commit the department to future actions with significant impacts or a decision in principle about such future actions; and
- Potential conflict with local, state, or federal laws, requirements, or formal plans.

7. CONCLUSIONS AND FINDINGS

The Proposed Action would meet the requirements of the Septage Disposal and Licensure Act and associated administrative rules regulating solid waste disposal. Adherence to the septic tank pumper, solid waste, water quality, and air quality regulations and the DEQ-approved operation and maintenance plan would mitigate the potential for harmful releases (e.g., septage running offsite and into a water body) and impacts to human health and the environment by the proposed action.

DEQ has prepared this EA to examine and document the effects of the proposed action on the human environment and to determine the need to prepare an environmental impact statement through an initial evaluation and determination of the significance of impacts associated with the proposed action. As discussed in Section 2 of this EA, DEQ has evaluated the severity, duration, geographic extent, and frequency of potential impacts to the human environment from the proposed action. DEQ has also evaluated the probability that the impacts would occur if the proposed action occurred. DEQ has not identified any significant environmental impacts from the proposed action.

DEQ has not identified any growth-inducing or growth-inhibiting aspects of the proposed action. DEQ's approval of the proposed land application site would not set any precedent and would not commit DEQ to any future action with significant impacts, nor is it a decision in principle about any future actions that DEQ may act on. Finally, the proposed action does not conflict with any local, state, or federal laws, requirements, or formal plans.

Based on consideration of all the criteria set forth in ARM 17.4.608, DEQ has determined that the proposed action would not significantly affect the human environment. Therefore, an environmental assessment is the appropriate level of environmental review and preparation of an environmental impact statement is not required.

The land application site is approved.

8. PREPARATION

Environmental Assessment and Significance Determination Prepared By:

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Approved By:

SIGNATURE



Fred Collins, DEQ Solid Waste Section Supervisor
Department of Environmental Quality

September 1, 2026
Date

9. REFERENCES

Montana Tech of the University of Montana, Montana Bureau of Mines and Geology (MBMG), Ground Water Information Center <http://mbmggwic.mtech.edu/>

United States Fish & Wildlife Service, Environmental Conservation Online System, 2023
[ECOS: Home \(fws.gov\)](https://ecos.fws.gov/)

Montana Natural Heritage Program, 2025
<http://mtnhp.org/default.asp>

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<http://sagegrouse.mt.gov>

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<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

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<https://www.nps.gov/subjects/air/class1.htm>

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<http://svc.mt.gov/msl/mtcadastral>

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<https://store.msuextension.org/publications/AgandNaturalResources/EB0161.pdf>

Administrative Rules of Montana
<http://deq.mt.gov/Portals/112/deqadmin/dir/documents/Legal/Chapters/CH50-08.pdf>

EPA Domestic Septage Regulatory Guidance, 1993
<https://www.epa.gov/biosolids/domestic-septage-regulatory-guidance-guide-epa-503-rule>

Google Earth, 2023
<https://earth.google.com/web/search/48.26730%C2%B0,+114.40213%C2%B0>

Montana DEQ's GIS Portal
<https://gis.mtdeq.us/portal/apps/mapviewer/index.html>

University of Montana
<https://www.umt.edu/geosciences/documents/self-guided-geologic-field-trip-msla.pdf>

USGS National Hydrography Dataset
<https://www.usgs.gov/national-hydrography/national-hydrography-dataset>

State Historic Preservation Office

<https://mhs.mt.gov/shpo/>

10. RESPONSE TO COMMENTS

The comment period on the Draft EA started May 20, 2023, and ended on June 19, 2026. During the comment period, DEQ received twelve comments. DEQ read, considered and summarized the substantive elements from the comments. The comments below are organized and addressed by theme. The themes are bolded and direct quotes are shown in italics. Responses from DEQ are below each comment.

SURFACE WATER AND GROUNDWATER QUALITY

Comment 1:

"There is a possibility it could greatly affect our drinking water supply and wells. It would also drain into Beaver Creek which runs into the Stillwater River."

"Drinking water contamination: Land-applied wastewater can leach into groundwater and aquifers that supply drinking water to nearby residents and wells, including our own. Once an aquifer is contaminated, remediation is extremely difficult and costly."

"I would like to go on record as being opposed to the land application of sewage waste proposed for 58 S Beaver Creek Rd near Absarokee, MT. While the DEQ assesses the risk as minimal to humans, I feel that the groundwater wells in Absarokee and water sources downstream from the proposed location, could be negatively impacted."

Thank you for the comments. Groundwater in the area of the proposed site tends to trend to the north according to the Montana Bureau of Mines and Geology. Beaver Creek is located approximately 1,145 feet east of the proposed site. The closest well to the proposed site is 2,600 feet to the west, and the closest well downgradient of the site is 4,600 feet north. However, septage would not reach the water body via direct stormwater drainage due to the minimal slope of the site and adherence to the Annual Application Rate (AAR). The AAR discussed in Section 1.5 of this EA was calculated by DEQ for this unique site based on the size of the proposed site and the vegetation type, specifically the grass or crop's ability to uptake nitrogen and the moisture from land applied septage. Because of this, any applied fluids from the septage would be expected to absorb into the soil upon application; therefore, in addition to the minimal slope, no runoff of septage is expected.

Leaching of pathogens, chemicals, or excess nutrients into groundwater would not occur due to the AAR requirements and the treatment of the septage. Bioxides, disinfectants, and pH adjustment are utilized to neutralize pathogens and bacteria that would be present in the septage before it would be land applied at this site. When proper management of the site occurs, minimum site setbacks are met, rules pertaining to land application are adhered to, and treatment standards are being achieved, no significant risks for exposure are present via drinking water wells or surface water bodies.

Comment 2:

"The AWSD 'Thatcher Well' is located approximately 3,700 feet (ft) from the northern boundary of the proposed land disposal area, and in a general downhill direction. The AWSD 'Tank Well' is only a short distant further away and in the same direction. Both wells obtain groundwater from the uppermost bedrock aquifer."

DEQ acknowledges the location of drinking water supply wells within the town of Absarokee, roughly 2/3 mile distant from the nearest land application area. The volume of septage applied is small in comparison to the typical evapotranspiration rate in this area, and for the reasons stated above in comment 1, unlikely to result in percolation to groundwater. AAR, as defined and constrained in ARM 17.50.809, is based on the nitrogen content of the septage and the uptake of said nitrogen by the applied cover crop. Soil at land application sites is sampled at DEQ's discretion to confirm soil nutrient content, metals concentrations, and other key analytes are meeting state requirements. Administrative rules regarding septage land application, found in ARM Title 17, chapter 50, subchapter 8, contain specific criteria designed to ensure that septage land application will not have an adverse impact on groundwater or surrounding land. These requirements include application at agronomic rates, appropriate setbacks from state surface waters and drinking water supply sources, as well as at least six feet of separation from seasonally high ground water. ARM 17.50.809.

Comment 3:

"A mostly perennial water course which is fed by groundwater-fed springs and seepage from the shallow terrace gravel aquifer on which the proposed septage disposal site is situated is approximately 4,200 ft away, also in a general down-slope direction. The presence of this water course is direct evidence that, in places, the gravel terrace on which the proposed septage application site sits is an aquifer. Additionally, there are other places along the outcrop of the gravel terrace which indicate signs of seasonal groundwater seepage. This water course may contribute groundwater recharge to the shallow bedrock aquifer which is the source for the Thatcher and Tank Wells."

DEQ acknowledges the location of the seepage channel to the east and upgradient of AWS's wells, and downgradient of the site. However, the presence of the spring/seep may also be interpreted as an indicator of the disconnection (or presence of an aquitard) between the shallow gravel aquifer and the underlying shallow bedrock aquifer supplying AWS's wells. To protect surface and groundwater resources, the applicant must not apply pumpings to land within 100 feet of a drinking water supply source, or to apply pumpings to land within 150 feet of any state surface water, including ephemeral or intermittent drainages and wetlands per ARM 17.50.509 (2) and (3). Please refer to the responses to comments 1 and 2 for additional information.

Comment 4:

"Three monitoring wells should be installed at selected locations around and within the proposed site to evaluate the existence and quality of any groundwater encountered. The soil and groundwater encountered in the borings should be logged by a qualified scientist. If groundwater is present, wells should be sampled for selected natural constituents and potential contaminants."

Groundwater monitoring surrounding septage land application sites is not required under applicable laws and rules. Please refer to the response to comment 3 for additional information regarding seepage. Administrative rules regarding septage land application, found in ARM Title 17, chapter 50, subchapter 8, contain specific criteria designed to ensure that septage land application will not have an adverse impact on groundwater or surrounding land. These requirements include application at agronomic rates, appropriate setbacks from state surface waters and drinking water supply sources, as well as at least six feet of separation from seasonally high ground water. ARM 17.50.809. If annual precipitation at the site is approximately 15 inches, then the 20-acre site experiences approximately 8.2 million gallons of precipitation annually. The

proposed maximum of 10,000 gallons of applied septage represents a 0.13% increase in volume of water deposited at the site. Irrigated and fertilized cropland and irrigated rangeland present orders of magnitude greater flux of water and nutrients on the landscape.

CHEMICALS

Comment 5:

“Does the DEQ have any idea how 10,000 gallons of toxic wastewater will drain through the rocks and soil, where it will go, and what it will affect?”

See Section 2.2 in this EA. Depth to groundwater in the area ranged between 10 feet to 130 feet below ground surface according to the closest wells mapped by the Groundwater Information Center (GWIC). The shallowest well is located 0.60 miles west from the proposed application site. Rocks and soil in the area consist of coarse-grained sediments which can have high drainage potential. The potentiometric subsurface of groundwater trends to the north, meaning if groundwater infiltration were to occur at the site, it would move north. However, grasslands on the proposed site would be able to handle and uptake nitrogen from the annual application of 10,000 gallons of septage according to the Annual Application Rate (AAR) seen in Section 1.5 of the EA. This calculation ensures local water sources would be protected from nutrient overloading. Effects on the environment or to human health from following the AAR are not expected. The septage that would be land applied at this site is not raw sewage as it is pretreated in a septic tank; DEQ does not authorize raw sewage to be land applied. The septage has been treated via bioxides, disinfectants, pH adjustment, and filtering and is not considered a toxic substance according to the EPA’s Resource Conservation and Recovery Act.

Comment 6:

“If it is from their porta potties, then this waste/septage will contain harmful chemicals such as Formaldehyde, Glutaraldehyde and Quaternary Ammonium compounds just to list the common chemicals.”

Pumpings from portable toilets are not currently required by DEQ or EPA to be tested for the chemicals and drugs noted by the commenter. If licensed disposal sites are properly managed, minimum site setbacks are met, and rules pertaining to land application are adhered to, and treatment standards are being achieved, no significant risks for exposure would be present. Further, the site is located on private property where the public cannot access without express permission to prevent public exposure. The pumper would also be required to comply with the application setbacks outlined in ARM and described in the response to comment 3 above as well as in Table 2 of this EA.

Comment 7:

“Impacts to agricultural land: This area includes active grazing land for cattle. Contaminants, pathogens, and nitrates from wastewater could affect forage quality, livestock health, and ultimately the safety of the food supply.”

“The long-term accumulation of PFAS and other contaminants in soils and forage consumed by livestock.”

Per ARM 17.50.811(5), animals may **not** be permitted to graze on the land for 30 days after

application of the material. The area where land application would be occurring is fenced which would help with the pumper's compliance with this regulation. The application also states that no cattle would be permitted to graze where land application is occurring.

Accumulation of persistent, conserved contaminants like PFAS or some metals/metalloid and pharmaceutical species in soil at land application sites is not addressed in ARM Title 17, chapter 50, subchapter 8 and is outside of the scope of **DEQ's regulatory authority**. ARM 17.50.811 provides use limitations designed to reduce human and livestock exposure to septage at land application sites. Generally, the attenuation capacity of natural soils and the biological transformation of nutrients in septage (plant uptake) results in very little change to soil quality when septage is applied within the AAR and cover crops are rotated.

Comment 8:

"Additional questions are, would the DEQ monitor the nutrient content of the soil regularly to determine compliance with the AAR? Would the water and soil be tested for hazardous chemicals on a regular basis? There would be five counties dumping their septic and portable wastewater into this ground. This would equal 10,000 gallons of toxic waste per year, which is outrageous, and I am strongly opposed."

Licensees are required to file disposal records twice a year with DEQ documenting the amount of septage applied to a site. DEQ reviews these annual reports to verify that the AAR is not being exceeded for the site. Additionally, DEQ periodically monitors sites for compliance with AAR via soil testing. If annual precipitation at the site is approximately 15 inches, then the 20-acre site experiences approximately 8.2 million gallons of precipitation annually. The proposed maximum of 10,000 gallons of applied septage represents a 0.13% increase in volume of water experienced at the site. Irrigated and fertilized cropland and irrigated rangeland present orders of magnitude greater flux of water and nutrients on the landscape.

LOCATION

Comment 9 & 10:

"There are many other locations for this program where it wouldn't be so close to a community. Just in Stillwater County there is a lot of acreage where a sewage dump could be placed so a community is not affected, for instance, around the Rapelje area."

"I feel that the small amount Big Sky Portables wants to pump, that it would be safer if it was pumped into a sewage treatment plant instead of land application"

DEQ is not responsible for site selection or any land use decision, and under MEPA, DEQ may not consider an alternative facility or an alternative to the proposed project itself. Section 75-1-220(1), MCA. Applicants apply for specific sites and DEQ is tasked with analyzing each site and verifying compliance with applicable law and rule. Regardless of location, if the site meets the minimum requirements established by law and rule, DEQ must consider licensure of the site.

ROADWAY

Comment 11 & 12:

"When the truck "(Ford F350) with a 270-gallon tank" goes by with a heavy load (roughly 3300 pounds of waste) (a gallon of water weighs 8.34 pounds and porta potty waste closely matches the density of water). If the "proposed amount of septage to be applied is 10,000 per year,"

using a “(Ford F350) with a 270-gallon tank” truck, with a full tank, would make a MINIMUM of 37 trips one way a year, so drive the road 74 times a year. Then add in the weight of the truck and weight of the tank, it will tear up the un-maintained S. Beaver Creek Rd (county road). It will make the road rough, with deep ruts and potholes and make it harder on the people and their vehicles, that live on that county road and that travel the county road for their lively hood. Especially the people that actually live AT 58 S. Beaver Creek Rd. and the other ranchers pulling horse trailers on the county road. When it rains the county road gets really slippery and muddy, which makes huge ruts. It is hard to make it up the county road and especially starting at 58 S. Beaver Creek Rd to the private road, on Miller Scollard property, that comes off the county road and up the hill side to the dump spot. When it snows the county road and the private road that takes you to the dump site, blow in with snow and it is impassable. Are the Miller-Scollard owners going to pay to improved and maintain the county road and plow snow for the “(Ford F350) with a 270-gallon tank” to make it up the county road and the private road and get rid of the huge ruts and snow!? You can’t make it a private road, which Miller Scollard have already tried, because there are too many other owners that use the road to get to their land.”

“They have numerous concerns about this toxic dump site, not the least of which is the high volume of traffic, dust, and noise created from trucks going by their home on a very narrow dirt road.”

The application for this land application site was certified by Stillwater County prior to DEQ’s review. The pump truck would access the site via a private access from Beaver Creek Road and resemble traffic already using the road. Please contact Stillwater County for any issues regarding road conditions

ODOR

Comment 13-15:

“Also, we could lose the “fresh mountain air” smell we are fortunate to enjoy since it will be so close to town.”

“There is a great chance that the smell and stench from this dump will filter down into Absarokee.”

“When the wind blows, it will blow toward town and surrounding houses. The smell will be horrible and degrade the standard of living for the town and surrounding houses.”

DEQ and/or the local county sanitarian would respond to complaints about odor to determine if waste was not properly managed. With proper management, odors are expected to be minimal and limited to the area close in proximity to the active land application. The naturally occurring bacteria in the soil uses carbon in the waste as a fuel source. This activity results in the breakdown of waste, which includes odors. Usually, odors are only detected at the time and immediate vicinity (within feet) of the land application activity and are controlled by tilling within six hours of land application or pH adjustment. Dust caused by tillage activities during the dry season would be reduced by the moisture content of septage.

OTHER

Comment 16:

"I think after reading the proposed material on the use of this site, this would be a terrible travesty. This site is on a hill above Beaver creek and there is no way you can [guarantee] there would be no impact on this creek. The amount of counties you have chosen to use this site is shocking. I think this is one of the most stupid ideas I've ever heard of. Of course there will be an impact, there are wells downstream, and there is no way for you to guarantee they will not be impacted. After it is done, the damage is done, and you cannot take it back. You would never allow a private person to dump sewage on the ground, but you want permission to allow multiple counties to do it. There is wildlife all over that country and they will for sure be impacted. I think you need to take a hard look at this again and put a stop to this site."

Please see Section 2.5 *Terrestrial, Avian, and Aquatic Life and Habitats* on page 10 of the EA for the analysis and disclosure of impacts affecting wildlife. Minor direct impacts are expected from human activity and ground disturbance, but no secondary or cumulative impacts are expected. According to 75-10-1210, MCA, a private person may land apply their own septic tank waste to their own land. DEQ does not have the authority to deny a proposed action that fully complies with the law and rules. The proposed action meets all minimum requirements set forth by MCA and ARM; therefore, DEQ is obligated to permit the proposed action and oversee compliance.

Comment 17:

Also, the public wasn't properly informed of this proposal"

DEQ published the draft EA on DEQ's website and issued a press release to media outlets on May 20, 2026. In addition, abutting landowners were directly notified of the draft EA via mail. DEQ notified the public as appropriate per ARM 17.4.610 (3).