

**NOTICE OF PUBLICATION OF CATEGORICAL EXCLUSION**  
CITY OF CUT BANK, MONTANA  
PHASE 4B - WATER DISTRIBUTION SYSTEM IMPROVEMENTS PROJECT

May 31, 2024

The Montana Department of Environmental Quality has reviewed the above-named project. The project consists of installing approximately 2,100 lineal feet of 6-inch PVC water main, and all associated valves, fire hydrants, fittings, service lines, service connections and asphalt replacement. The proposed water distribution work will replace aging and undersized water mains along the following streets:

- 2<sup>nd</sup> Ave SW (between 1<sup>st</sup> Street SW and Main Street),
- 3<sup>rd</sup> Ave SW (between 3<sup>rd</sup> Street SW and Main Street)

The project construction specifications note the potential to encounter petroleum contaminated soil or water within the project site and include language on the procedures to follow if this were to occur. 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 specified in the planning documents, a new or modified application is submitted, or new evidence demonstrates serious local or environmental issues exist, or state, local, tribal, or federal laws are violated. 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

Cut Bank City Hall  
221 West Main Street  
Cut Bank, MT 59427

Sincerely,



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Jake Goettle, P.E. DWSRF Program Manager  
Engineering Bureau  
Water Quality Division  
Montana Department of Environmental Quality

## Cut Bank Phase 4B Water System Improvements

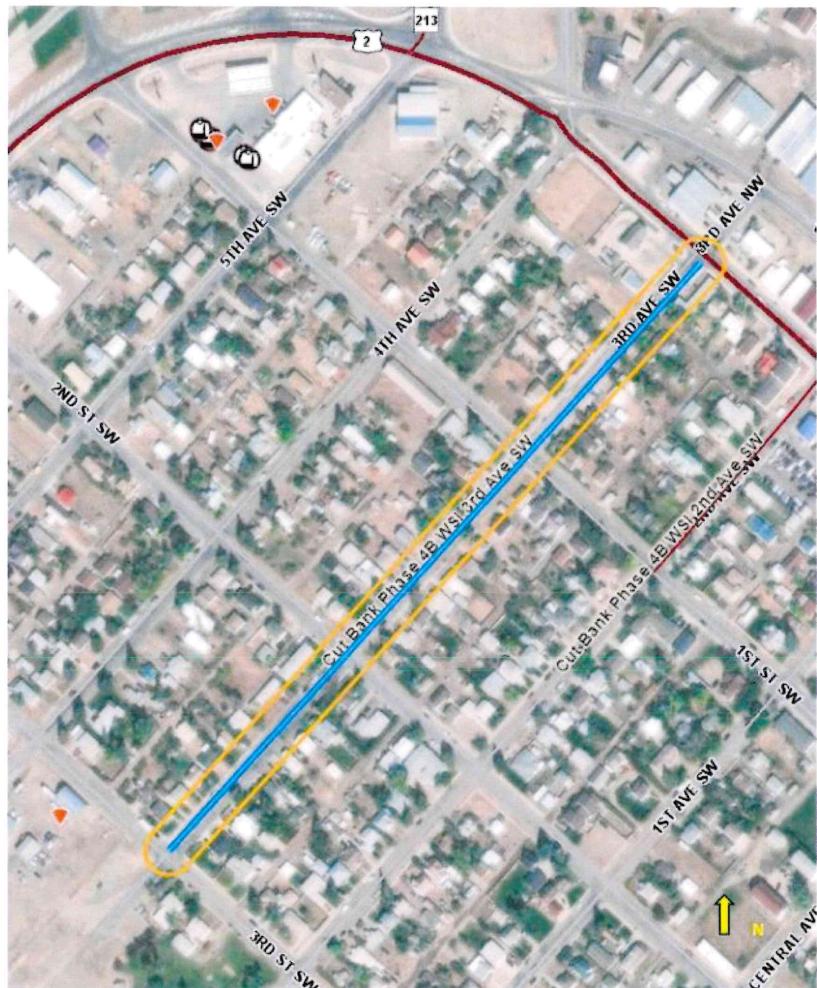
### Overall View



Cut Bank Phase 4 WSI 2<sup>nd</sup> Ave SW



Cut Bank Phase 4 WSI 3<sup>rd</sup> Ave SW



CHAPTER III – ATTACHMENT D

DOCUMENTATION OF CATEGORICAL EXCLUSION DETERMINATION CHECKLIST

Project Name / Brief Description: Cut Bank Phase 4B Distribution  
Replace ~ 2,100 ft of water distribution main

Project Number: EQ # 24-2174

Date: May 30, 2024

Preparer: R. Ashton

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;

No 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

No 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.]*

- 13. Project meets the above Categorical Exclusion criteria.
- 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.

 Robert Ashton 5/30/2024  
STATE PREPARED  
 5/30/2024  
STATE REVIEWER

\_\_\_\_\_  
**COMPLETION DATE**