



ADMINISTRATIVE RULES OF MONTANA



17.20.1418 ENERGY GENERATION FACILITIES, BASELINE STUDY, GENERAL REQUIREMENTS

- (1) An application must contain a baseline study of the proposed sites and the proposed and any alternate locations of off-site associated facilities and their impact zones to gather baseline data describing the existing environment, to assess impacts associated with the proposed facility, and to identify mitigation strategies for potentially significant adverse impacts.
- (2) The applicant shall depict the proposed site and its boundaries, and the proposed and any alternate locations of all on-site and off-site associated facilities, as appropriate, using symbols or lines approximately one-half millimeter or less in width drawn on a 1:24,000 topographic base map. This base map shall indicate any upgrade, replacement or removal of existing equipment or installation(s) that would be necessary for construction or operation of the proposed facility and associated facilities. The applicant shall provide one mylar copy of this base map to the department and an electronic equivalent acceptable to the department. Each electronic submittal shall be accompanied by metadata describing the submittal.
- (3) An application must contain one set of 1:4800 topographic maps and an electronic equivalent acceptable to the department showing the locations, as applicable, of the generators, emission control devices, condensers, shift conversion facilities, reactors, stacks, catalyst production and regeneration facilities, cooling towers, water storage ponds, waste disposal ponds, roads, parking areas, railroad spurs, substations, pumping stations, on-site pipelines, storage facilities, any other structures or buildings, nonlinear associated facilities, and any existing structures for the proposed site, noting structures that would be relocated or destroyed.
- (4) An application must contain an overlay or overlays and an electronic equivalent(s) acceptable to the department, as appropriate, to the base map required by (2) of this rule of the baseline data required by department Circular MFSA-1 that can be mapped and are within the impact zones associated with the proposed site and the proposed and any alternate locations of associated facilities. The applicant shall organize the information according to the requirements of department Circular MFSA-1 and shall present the information on the minimum number of overlays to the base map. The applicant shall provide one mylar copy of each overlay to the department. All overlays shall clearly show section lines or corners and township and range locations.
- (5) An application must contain one set of color contact prints at a scale of approximately 1:48,000 or 1:24,000 that provide complete aerial stereo coverage of the proposed sites, the geographic area within a five mile radius of the proposed site, and within a 1/2 mile buffer of the proposed and any alternate locations of off-site associated facilities. These photos shall be taken during a season of full foliage no more than three years prior to filing the application unless otherwise approved by the department. An application must contain advance or final USGS 7.5 minute orthophoto quads, where available, for the impact zones or portions of impact zones that are not covered by

the aerial photos. However, this requirement does not apply to the impact zones associated with assessment of social and economic impacts required by section 3.6 of department Circular MFSA-1.

- (6) For the proposed site, the applicant must certify in the application that purchase options or access for purposes of conducting the studies required by these rules have been obtained. For off-site associated facilities, the applicant shall describe the location(s) where options or access for the purpose of conducting these studies have been denied and the reason(s) for denial.
- (7) An application must contain a summary of the results of consultation with appropriate government agencies to identify their concerns about the proposed facility's possible effects on the environment, and the way the applicant considered these concerns in identifying mitigating measures to address potentially significant impacts of the facility.
- (8) An application may contain any valid and useful existing studies, reports, or data prepared on the energy generation or conversion facility and may be submitted by the applicant towards fulfilling the requirements of department Circular MFSA-1 but shall be subject to supplementation and shall be used by the department only to the extent it considers them applicable.
- (9) An application must contain, for the proposed site and the proposed and any alternate locations of off-site associated facilities, information required by the department or board necessary to make or issue any decision, opinion, order, certification, or permit required under laws administered by the department, other than those contained in the Act pursuant to 75-20-216(3) , MCA.
- (10) An application must identify and discuss available alternative levels and types of mitigation to reduce or eliminate potentially significant adverse impacts of the facility at the proposed site and the proposed and any alternate locations of off-site associated facilities, including, but not limited to:
 - (a) alternative pollution control and waste disposal strategies, equipment and/or facilities;
 - (b) alternative strategies, equipment and/or facilities for reducing water consumption;
 - (c) alternative locations of associated facilities; and
 - (d) plans to reduce adverse impacts on local communities, including, but not limited to, plans for meeting the service needs of the work force and maintaining the existing quality of services.
- (11) An application must contain the estimated cost of implementing each level and type of mitigating measure to reduce or eliminate potentially significant adverse impacts that would occur during construction, operation, or decommissioning of the proposed facility and associated facilities. Estimated costs of mitigation measures for potentially significant adverse impacts also must be included for associated facilities whose operations would be modified to serve the proposed facility.
- (12) An application must contain a summary of the baseline study and impact assessment for the proposed site and for each off-site associated facility which includes the following:
 - (a) a summary of potentially significant adverse impacts of the proposed site and off-site associated facilities, and the impact zones around them as determined by the baseline study conducted pursuant to department Circular MFSA-1;
 - (b) description of mitigating measures, if any, proposed for potentially significant adverse impacts;

- (c) an evaluation of any increased impact to other resources resulting from implementation of each mitigating measure;
 - (d) a summary of potentially significant adverse impacts at the proposed site and off-site associated facilities for which no mitigation has been identified;
 - (e) a summary of any unmitigated impacts of the proposed site and off-site associated facilities that may pose a threat of serious injury or damage to the environment, social and economic conditions of inhabitants of the affected area or the health, safety, or welfare of area inhabitants;
 - (f) a comparison of the estimated cost and the degree of mitigation achieved, for each alternative level and type of mitigation measure considered to address each potentially adverse significant impact; and
 - (g) an explanation of the applicant's reasons for selecting the proposed mitigating measures and an explanation of the applicant's reasons for not selecting other mitigating measures.
- (13) Information for (12)(a) through (g) above must be provided for the impact categories listed in department Circular MFSA-1.
- (14) The department adopts and incorporates by reference department Circular MFSA-1, which sets forth the baseline study requirements and impact assessment to be included in an application for a proposed energy generation and conversion facility and associated facilities. Copies may be obtained from the Department of Environmental Quality, PO Box 200901, Helena, MT 59620-0901.

Authorizing statute(s): 75-20-105, MCA

Implementing statute(s): 75-20-211, 75-20-213, MCA

History: NEW, 1984 MAR p. 1844, Eff. 12/28/84; TRANS, from DNRC, 1996 MAR p. 2863; AMD, 2001 MAR p. 2410, Eff. 12/7/01; AMD, 2023 MAR p. 764, Eff. 8/5/23; AMD, 2024 MAR p. 253, Eff. 2/10/24.