



Fwd: [EXTERNAL] Comment Period Extension Request: Public Notice > EA Quarry Project, Big Sky Rock LLC

1 message

Guy Alsentzer <guy@uppermissouriwaterkeeper.org>

Mon, Dec 12, 2022 at 4:51 PM

To: Jayson O'Neill <jaysononeill@gmail.com>, Quincey Johnson <quincey@uppermissouriwaterkeeper.org>, Patrick DeArmye <patrick@uppermissouriwaterkeeper.org>, wade fellin <wadefellin@uppermissouriwaterkeeper.org>

From: "Krywaruchka, Lindsey" <lkrywaruchka@mt.gov>

Date: December 12, 2022 at 4:31:43 PM MST

To: Guy <guy@uppermissouriwaterkeeper.org>

Cc: "Moser, Kurt" <KMoser2@mt.gov>, "Pettis, Aaron" <APettis@mt.gov>, "Kenning, Jon" <JKenning@mt.gov>, "Clark, Rachel" <Rachel.Clark2@mt.gov>

Subject: RE: [EXTERNAL] Comment Period Extension Request: Public Notice > EA Quarry Project, Big Sky Rock LLC

Guy:

Thank you for your email. DEQ has considered your request to extend the public comment period for the draft Environmental Assessment for the Quarry Project. Upon our review of relevant statutes and rules, DEQ did not find a 30-day default public review requirement applicable to Environmental Assessments. Based on the nature of the proposed facilities and the requirements of MEPA, DEQ considers the noticed public comment period to be appropriate and is not extending public comment.

Lindsey Krywaruchka | *Water Quality Division Administrator*

Montana Department of Environmental Quality

Office: 406-444-4632

Cell: 406-437-1876

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From: Guy Alsentzer <guy@uppermissouriwaterkeeper.org>

Sent: Friday, December 9, 2022 12:16 PM

To: Krywaruchka, Lindsey <lkrywaruchka@mt.gov>; Kenning, Jon <JKenning@mt.gov>

Subject: [EXTERNAL] Comment Period Extension Request: Public Notice > EA Quarry Project, Big Sky Rock LLC

Lindsey and Jon:

Sending this email to you as Water Quality Division Administrator and Water Protection Bureau Chief to request the Department extend the comment period for the public notice of a draft EA for the Quarry Project, proposed by Big Sky Rock LLC, for an additional two weeks and/or until Jan 10, 2023.

The Department [published a draft EA](#) concerning its proposed final agency action approving a COSA for the Quarry Project yesterday, on December 8th 2022. Comments are due by December 27, 2022, a total of 20 calendar days. The Department should extend the comment period for two primary reasons.

First, the Department's draft EA concerns internal decisions under the Water Quality Act concerning sewage treatment and disposal, thereby implicating department decisionmaking on whether a discharge permit is required. These types of agency actions are traditionally governed by ARM 17.30.1372 (public participation procedures) with a 30-day public comment period. Here, the Department has proposed only twenty days and therefore an extension should be granted.

Second, MCA 2-3-103 plainly contemplates MEPA public comment opportunities that provide "adequate notice and assist public participation". The instant comment period overlaps with the Christmas Holiday, perhaps the most widely recognized annual holiday where public attention is most distracted from public notices. Moreover, MEPA model rules contemplate a 30-day comment period as the presumptive default, and the Department is afforded discretion under its MEPA rules to extend comment periods as necessary to fulfill MEPA's public engagement objectives.

The Department should extend the public comment period until January 10, 2023 because by doing so it will comply with default MWQA and MEPA public comment periods and avoid the specter of an ineffective public participation process on the proposed authorization of the Quarry Project.

It is also noteworthy that the Quarry Project is a controversial project in Big Sky and as regards the health of the Gallatin River based on its size and water resource effects. It entails new high density residential and commercial development and roughly doubling the volume of existing nutrient-laden wastewater discharges to local water resources of Big Sky's Canyon Area, relies on decentralized community septic systems built in phases, yet somehow avoids default groundwater discharge permitting review. The addition of new wastewater discharges to the middle segment Gallatin watershed/Big Sky's Canyon Area implicates the department's recent preliminary determination that the Gallatin River middle segment is impaired due to nuisance algal blooms caused by nutrient pollution, and Montana Bureau of Mines and Geology data showing widespread levels of unnaturally elevated nitrates in local groundwater nearby drinking water supplies.

Moreover, it is public record that the Quarry Project is proposed as one of several aggregated land parcels in the Canyon Area with presumed capacity to receive prospective wastewater discharges from the Big Sky Water and Sewer District's pending wastewater treatment facility upgrade, which is ongoing and estimated to come online in 2024. The Big Sky Resort Area District Tax Board has executed an MOU with the BSCWSD and the newly formed Gallatin Canyon Sewer District to facilitate anticipated use of groundwater discharge beds at the Quarry Project among others for future residential and commercial growth, and public monies have already been expended putting these elements into play. It is our understanding that DEQ has already been in discussions with The Quarry Project and engineers from the aforementioned sewer districts concerning these overlapping planning efforts.

In short, there are far-reaching cumulative water quality impacts associated with DEQ's decisionmaking on the Quarry Project.

Based on these and other factors Waterkeeper believes the Quarry Project to be an issue of both significance and great public interest that deserves a transparent public comment process with adequate time to both inform and allow the public to offer meaningful feedback to the Department. For these reasons we request the Department issue a revised public notice extending the public comment period until January 10, 2023.

I look forward to your response.

Respectfully-

GA

Guy Alsentzer, Esq.

Founder | Executive Director

24 S. Willson Ave, Ste. 6-7, Bozeman, MT 59715
406.570.2202 | Guy@uppermissouriwaterkeeper.org
www.uppermissouriwaterkeeper.org [uppermissouriwaterkeeper.org]



To remind us all to Remember our Rivers in every decision we make;

And to hold our officials accountable to do the same.

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