

July 26, 2019

To: Cascade County Zoning Board of Adjustments

From: Anne Hedges, Deputy Director, Montana Environmental Information Center

RE: Big Sky Cheese, LLC – Madison Food Park, LLC, Special Use Permit #006-2019

The Montana Environmental Information Center is a member-based nonprofit organization dedicated to the protection and restoration of Montana's natural environment since 1973. MEIC has many members in Cascade County, including in the area of the proposed Madison Food Park slaughterhouse and now Big Sky Cheese proposal. MEIC has significant concerns about this Special Use Permit (SUP) application based on water quality and quantity and urges the board to deny the SUP based on water resource impacts as well as many of the issues articulated by Kathleen McMahon and others.

The initial SUP application provides vague commitments and often qualified promises regarding water protections. The June 27, 2019, "Cascade County Staff Report," (Staff Report) simply reiterates the application language yet does not clarify the details or enforceable obligations that must be imposed on the applicant to guarantee protection of water resources. Finally, the document on the County website titled "Additional Information Requested by the Zoning Board," (Additional Information) filed on July 11, 2019, does nothing to provide additional detail or certainty for water resource protection. County-imposed specific and enforceable obligations are essential to protect water resources. Without such requirements there is no way to verify protection of water resources and eventually hold the applicant accountable for impairment of those resources.

The vague alternatives provided by the applicant in Additional Information, and specifically the expert letter from HRGreen, dated July 10, 2019, provides no additional information on how wastewater will be treated and stored. Instead it continues to rely on the exact same vague assurances for waste water disposal and treatment that were contained in the document labeled "Full Submittal," dated April 2019, on the County website. In fact, the language in both documents is essentially identical with such unsupported statements as, "MFP may employ a technology called acidification..." (emphasis added), or "Wastewater treatment will be complete onsite using Montana DEQ-approved wastewater treatment system(s). Commonly practiced treatment technologies will be used" This lack of specification provides no information regarding what type of treatment or pretreatment methods will be employed or enforceable, let alone whether they will be sufficient. The staff's analysis of this inadequate information is even more incomplete. A simple sentence that says, "Sewer and water will be provided for on-site," is devoid of any analysis or guarantee about water quality related issues.

The application is devoid of information regarding the type, sufficiency, or durability of wastewater liners that will be used to protect groundwater resources. The project tries to provide an assurance with the simplistic statement that the project will rely on "adequate liners

and/or best management practices to avoid leaks and spills.” First, the applicant doesn’t commit to actually lining the pond(s). Second, the applicant provides no information regarding the type of liner, the adequacy of the liner, or the liners ability to function properly in the conditions that exist at the site. Some impoundments across the state rely on existing earthen material as a liner. This is the same as having no liner at all. Nothing in the application materials guarantees that the ponds will have man-made fabricated liners sufficiently thick to protect groundwater resources. And the staff report requires no such protective measure.

Regarding water quality, the applicant’s Additional Materials suggests that water quantity depletions can be offset by contracting with the U.S. Bureau of Reclamation to replace water pumped from the Madison aquifer. First, after contacting staff at the Bureau, it is clear that no such application has been requested, let alone approved. Second, this type of mitigation would do nothing to alleviate any impacts suffered by downgradient water users between the proposed project area and the Missouri River. If allowed, the Bureau would only be replacing water in the Missouri River that is no longer receiving supply from the depleted aquifer. Any adjacent or downgradient water users would receive no relief under this remedy. The deficiency in the original application is not alleviated by the provisions of the Additional Materials. No analysis is provided other than a casual statement that plenty of water is available .

Finally, we are concerned about the apparent attempt to receive a permit from the County for a smaller proposal (cheese factory) and then, incrementally, increase industrial land uses to more closely resemble the original application for a large multi-species slaughterhouse. This proverbial “foot-in-the-door” land use change attempts to prevent the public and decision makers from fully reviewing the entire proposal and its impacts. This incrementalism should be rejected.

In sum, we are concerned about the applicant’s vague assurances and qualified commitments to water quality and quantity protection and the staff’s cursory response to those issues. These deficiencies make the application insufficient to protect water quality and guarantee that water quantity for downgradient uses will not be impaired.