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Comments: BEFORE THE STATE OF MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

?Attn: Craig Jones, Project Lead

P.O. Box 200901

Helena, MT 59620-0901

?IN THE MATTER OF:

Stillwater Mine Complex Plan of Operations Amendment 014

Joint Environmental Impact Statement (EIS) Scoping Process

?State Operating Permit: 00118 / Project ID: 296522

?FORMAL ADMINISTRATIVE SCOPING COMMENTS AND OBJECTIONS

Dear Mr. Jones, Ms. Fryer, and the Custer Gallatin National Review Teams,

?Pursuant to the Montana Environmental Policy Act (MEPA), MCA Section 75-1-101 et seq., and the Montana Metal Mine Reclamation Act (MMRA), MCA Section 82-4-301 et seq., I submit these formal scoping comments and objections regarding the joint Environmental Impact Statement (EIS) process for the proposed Stillwater Mine Complex Amendment 014.

?The Montana Department of Environmental Quality (DEQ) is requested to execute a rigorous, data-driven analysis that fully accounts for all long-term environmental, cumulative, and structural risks associated with this major expansion. To ensure full compliance with state law, the DEQ must evaluate the following critical impacts within the scope of the forthcoming draft EIS:

?I. Unwarranted Exploitation of Public Lands for Foreign Corporate Profit

?Violation of the Public Trust Doctrine: The Stillwater Mine is foreign-owned by Sibanye-Stillwater. The extraction of platinum group metals should not come at the permanent expense of Montana's natural resources. Consuming an additional 30 acres of pristine Custer Gallatin National Forest for industrial waste rock storage permanently impairs resources held in public trust. Any agency decision that prioritizes overseas corporate profit over the permanent protection of public lands without evaluating a strict "No-Action Alternative" lacks a rational basis.

?II. Failure to Meet Montana Surface and Groundwater Quality Protection Mandates

?Montana Water Quality Act Compliance (MCA Section 75-5-303): Under Montana's strict Nondegradation Policy, the DEQ is legally prohibited from approving an operating permit amendment if the physical expansion of the East Side Waste Rock or the Hertzler Tailings facilities causes a detectable increase of a carcinogen, toxin, or harmful pollutant in the surrounding Class I alluvial groundwater aquifer. The EIS must rigorously prove[mdash]using peer-reviewed, site-specific groundwater modeling[mdash]that this 42-year expansion will not trigger a violation of this nondegradation threshold.

?III. Historic Water Pollution and the Inadequacy of Mitigation Plans

?Documented Historical Contamination: The DEQ cannot evaluate this expansion in a vacuum. The Stillwater Mine complex has a documented history of water quality degradation, specifically regarding elevated nitrogen, nitrate, and ammonia pollution leaking from waste facilities and underground blasting residues into the local alluvial groundwater table. Because the local aquifer is hydrologically connected to the Stillwater River watershed, these past MPDES permit exceedances prove that current containment protocols are insufficient.

?Synthetic Liner Degradation and Lifespan Limits: The expansion relies on synthetic geomembrane liners (such as HDPE) to prevent acid mine drainage and nitrogen leaching from the waste rock and tailings storage facilities. Independent engineering studies indicate that the reliable service life of these plastic liners is only 20 to 30 years under the extreme pressure, shear stress, and chemical exposure typical of a massive mine site. Because this amendment seeks a 42-year extension of operations, these synthetic liners are virtually guaranteed to degrade and fail before the proposed life of the mine is reached, creating a severe and unmitigated risk of catastrophic groundwater contamination. The EIS must analyze the structural integrity and degradation rates of these liners over the full 42-year horizon and beyond.

?IV. Statutory Violations of the Endangered Species Act (ESA)

?Deficient Wildlife Assessment: The Custer Gallatin National Forest encompasses essential habitat and critical migration corridors for protected species, including the Canada lynx, grizzly bear, and wolverine. Under Section 7 of the ESA, the DEQ and joint federal agencies must ensure actions do not jeopardize threatened or endangered species. Relying on outdated wildlife data or failing to execute a comprehensive biological assessment regarding how a 42-year expansion of industrial noise and habitat fragmentation will impact regional species recovery would constitute a clear failure to comply with the law.

?V. Hydrological Violations under the Clean Water Act and State Law

?The Permanent Destruction of Nye Creek: The proposal to permanently relocate a natural portion of Nye Creek into an artificial, engineered channel requires the highest level of scientific scrutiny. The EIS must analyze the permanent loss of natural riparian functionality and downstream impacts on sensitive aquatic species, such as the Yellowstone Cutthroat Trout.

?VI. Cumulative Impacts and Long-Term Reclamation Bonding

?Generational Harm and Financial Liability: Under MEPA, a failure to execute a comprehensive cumulative impacts analysis evaluating four additional decades of industrial pollution, heavy traffic, and habitat fragmentation would legally invalidate the EIS. Under the Montana Metal Mine Reclamation Act, the DEQ must ensure that reclamation protocols and water treatment plans are fully bonded so that Montana taxpayers and future generations[mdash]including my children and grandchildren[mdash]are not left with the multi-million dollar liability of a permanently toxic legacy and perpetual water treatment.

?CONCLUSION & RECORD REQUEST

?The Montana DEQ is hereby placed on notice that a failure to fully investigate, model, and disclose these severe environmental and water quality consequences would render any future state authorization arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law under the Montana Administrative Procedure Act (MAPA), MCA Section 2-4-704, and the federal Administrative Procedure Act (APA), 5 U.S.C. Section 706(2)(A).

?I request full standing as an interested party in all future administrative reviews, draft EIS disclosures, and objection periods regarding this matter.

?Respectfully submitted for the record,

?Saundra Holloway

Yuma, Arizona

cc:

Erin Fryer, Environmental Coordinator, Custer Gallatin National Forest
Custer Gallatin National Forest NEPA Project Team
Custer Gallatin National Forest Supervisor's Office