



**Montana Department of
ENVIRONMENTAL QUALITY**

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

PUBLIC NOTICE NO. MT-06-11
May 25, 2006

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PURPOSE OF PUBLIC NOTICE

**LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE**

The purpose of this notice is to state the Department's intention to issue a storm water discharge permit authorization under the *General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer System (MS4)* ("General Permit") to the facilities listed in this notice. This notice does not pertain to the General Permit itself as that document was the subject of Public Notice MT-04-08 dated August 20, 2004. This authorization is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 17.30.1101 *et seq.* and 17.30.1301 *et seq.*, Montana Pollutant Discharge Elimination System (MPDES); and Sections 402 and 303 of the Federal Clean Water Act. The Water Protection Bureau has prepared a tentative authorization for the facilities listed below. Copies of the City and County of Butte-Silver Bow and the Montana Department of Transportation application, and the Department's draft authorization and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov. Copies of the application can be viewed at the Department of Environmental Quality, or at the City and County of Butte-Silver Bow Public Works Office (126 West Granite Street - Butte), or at the Montana Department of Transportation Butte District Office (3751 Wynne Avenue - Butte).

APPLICANT INFORMATION

APPLICANT NAMES: City and County of Butte-Silver Bow
126 West Granite Street
Butte, MT 59701

Montana Department of Transportation
P.O. Box 3068
Butte, MT 59702-3068

FACILITY NAME: City and County of Butte-Silver Bow, and Montana
Department of Transportation, Small Municipal Separate Storm
Sewer Systems

FACILITY LOCATION: Within the Butte urban limits and permitted area as identified in the application

RECEIVING WATER: Blacktail Creek, Silver Bow Creek, Basin Creek, Sand Creek, and Grove Gulch Creek

PERMIT NUMBER: MTR040006

This permit authorization regulates the discharge of storm water from the City and County of Butte-Silver Bow, and Montana Department of Transportation, Small Municipal Separate Storm Sewer Systems (MS4s) into state waters. Storm water discharges from Small MS4s contain pollutants that may cause impairment of state waters. To reduce the levels of pollutants in the discharge, permittees are required to develop, implement, and enforce a Storm Water Management Program (SWMP) addressing six minimum control measures and implement Best Management Practices (BMPs).

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment (WQLS), the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit Friends of the Wild Swan v. U.S. EPA. et al., CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order, because: 1) the permit does not authorize the discharge of any new or increased pollutant load; 2) facilities are required by state and federal regulation to obtain authorization for these discharges under the National Pollutant Discharge Elimination System (NPDES) program or a delegated state program.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS June 23, 2006. Comments may be directed to the DEQ Permitting & Compliance Division, Water Protection Bureau, PO Box 200901, Helena, MT 59620. All comments received or postmarked PRIOR TO CLOSE OF BUSINESS June 23, 2006 will be considered in the formulation of final determinations to be imposed on the permits. If you wish to comment electronically, you may e-mail Dianne McKittrick at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing (ARM 17.30.1373).

The Department will respond to all substantive comments and issue a final decision within sixty days of this notice or as soon as possible thereafter. Additional information may be

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obtained upon request by calling (406) 444-3080 or by writing to the aforementioned address. The complete administrative record, including permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

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