



**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-06-19
August 8, 2006

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LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue wastewater discharge permits to the facilities listed in this notice and hold a public hearing on the issuance of these permits. These permits are issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA); the Administrative Rules of Montana (ARM) 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 draft permits for the facilities listed below. Copies of the draft permits, fact sheets, and environmental assessments are available upon request from the Water Protection Bureau address or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT NAME: Decker Coal Company
PO Box 12
Decker MT 59025

FACILITY NAME: Decker East Mine

FACILITY LOCATION: T9S R41E, all or part of sections: 7, 8, 17, 18 and
19; and T9S R40 E, all or part of sections: 1, 11,
12, 13, 14, 22, 23 and 24, Bighorn County,
Montana

RECEIVING WATERS: Tongue River Reservoir

PERMIT NUMBER: MT0024210

The Decker East mine is a major industrial facility that mines and produces coal via a surface (open-pit) mine. One outfall 002, exists to discharge treated pit water (groundwater) and surface runoff from the active mining area. The treatment consists of sedimentation ponds to remove solids. Effluent is discharged directly to the Tongue River Reservoir.

On September 21, 2000, a U.S. District Judge issued an order stating that until all

necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, 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., CA 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 this is not a new or increase source.

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APPLICANT INFORMATION

APPLICANT NAME: Decker Coal Company
PO Box 12
Decker MT 59025

FACILITY NAME: Decker West Mine

FACILITY LOCATION: T9S R40E, all or part of sections: 3, 4, 5, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, and 28; and T8S R40 E all or parts of sections: 27, 28, 29, 32 33 and 34, Bighorn County, Montana

RECEIVING WATERS: Tongue River Reservoir

PERMIT NUMBER: MT0000892

The Decker West is major industrial facility that mines and produces coal via a surface (open-pit) mine. Three outfalls, 001, 005, and 007, discharge process wastewater, pit water (primarily groundwater) and surface runoff (commingled storm water) from active mining areas. Two other outfalls, 008 and 010, discharge surface runoff only, from spoils stockpiles and stripped areas. Treatment of waste waters consists of the use of sedimentation ponds. The effluent from Outfalls 001, 005 and 007 are discharged directly to the Tongue River Reservoir. Effluent from Outfalls 008 and 010 is discharged to Pearson Creek, which flows for approximately 3000 feet before the confluence with the Tongue River Reservoir.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment, 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., CA 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 this is not a new or increase source.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS September 6, 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 September 6, 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.

A public hearing will be held on the draft wastewater discharge permits, fact sheets, environmental assessments, and the Department's tentative determinations at the **Bicentennial Library located in Colstrip Montana on September 12, 2006, starting at 6:00pm.**

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

The State of Montana makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in state government. Persons needing an accommodation must notify Barb Gibson no later than August 31, 2006, to allow adequate time to make needed arrangements. You can call Barb at 444-3080 or write to her at the address noted to make your request known.

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