



PUBLIC NOTICE NO. MT-09-14
May 18, 2009

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a wastewater discharge permit to the facility listed in this notice. This permit is 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 a draft permit for the facility listed below. Copies of the draft permit, fact sheet, and environmental assessment are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT NAME:	City of Libby
FACILITY NAME:	City of Libby Wastewater Treatment Plant
FACILITY LOCATION:	755 City Service Road, Libby MT 59923
RECEIVING WATER:	Outfall 001: Kootenai River
PERMIT NUMBER:	MT0020494

This is a reissuance of the MPDES permit for the City of Libby Wastewater Treatment Plant. The facility continuously discharges into the Kootenai River. The permit contains existing effluent limits for BOD₅ and TSS. New *E. coli* limits and increased monitoring requirements are also included in the permit. Monitoring of the effluent is required at the point of discharge, prior to mixing with the Kootenai River.

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

Public Notice No.: MT-09-14

May 18, 2009

Page 2 of 2

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., 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 it is not a new permit and does not allow any increase in the pollutant load to the Little Boulder River.

PUBLIC COMMENT

Public comments are invited **ANYTIME PRIOR TO CLOSE OF BUSINESS June 17, 2009.** 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 17, 2009** 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 Carol Bertke or Barb Sharpe 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 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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