



PUBLIC NOTICE NO. MT-09-21
EXTENDED COMMENT PERIOD – JUNE 29, 2009 – AUGUST 13, 2009
MODIFIED JULY 17, 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 and **to extend the public comment period**. 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:

Western Sugar Cooperative
3020 State Avenue
Billings, MT 59101

FACILITY NAME:

Western Sugar Cooperative sugar beet processing facility

FACILITY LOCATION:

Section 10, Township 15 North, Range
26 East, Yellowstone County

RECEIVING WATER:

Outfall 001: Yegen Drain
Outfall 002: City of Billings storm water drainage system
Outfall 004: Class II ground water

PERMIT NUMBER:

MT0000281

This is a MPDES permit renewal for the Western Sugar Cooperative sugar beet processing facility. The permittee has applied to discharge process wastewater from three outfalls. Outfall 001 is to the Yegen Drain; Outfall 002 is to the City of Billings storm water drainage system that discharges into the Yegen Drain approximately two city blocks downstream; and Outfall 004 is to the shallow Class II aquifer from the unlined wastewater impoundments located at the factory site. Discharge from these impoundments is year-round, or as long as water is contained. Discharges from Outfall 001 and 002 occur almost exclusively during the "campaign", or the

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time of the year when sugar beets are processed (October through February).

The draft permit proposes effluent limits and monitoring at Outfalls 001, 002, and 004 for flow, pH, temperature, specific conductivity, biochemical oxygen demand (BOD₅), total suspended solids (TSS), pathogens, and nutrients (total ammonia as N, nitrate plus nitrite as N, TKN, and total phosphorus). Discharges to surface water have Whole Effluent Toxicity (WET) testing requirements.

At the request of Western Sugar Cooperative, the public comment period for this public notice is extended until August 13, 2009.

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, 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 Yegen Drain.

PUBLIC COMMENT

Public comments are invited **ANYTIME PRIOR TO CLOSE OF BUSINESS August 13, 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 August 13, 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 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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Modified July 17, 2009