



PUBLIC NOTICE NO. MT-09-28
August 10, 2009

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. 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, statements of basis, and environmental assessments are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT NAME: County Sewer and Water District of Rocker
1108 Grizzly Trail
Butte, MT 59701

FACILITY NAME: County Sewer and Water District of Rocker Wastewater
Treatment Plant

FACILITY LOCATION: 122030 Nissler Road
Butte, MT 59701

RECEIVING WATER: Silver Bow Creek

PERMIT NUMBER: MT0027430

This is a major modification of MPDES permit MT0027430 (Permit) for the County Sewer and Water District of Rocker Wastewater Treatment Plant (WWTP). The Permit regulates discharge to Silver Bow Creek of treated domestic wastewater from Outfall 001. The WWTP is a mechanical package plant followed by three lagoon cells.

This modification is for the extension of the compliance date for the final total residual chlorine maximum daily limitation of 0.019 mg/L and final average monthly limitation to September 1, 2011.

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 the permit does not authorize any new or increased discharge of pollutants.

* * * * *

APPLICANT: Elkhorn Health and Rehabilitation, LLC

FACILITY NAME: Elkhorn Health Care Wastewater Treatment Plant

FACILITY LOCATION: S474 Highway 287, Alhambra, Jefferson County

RECEIVING WATER: Outfall 001: Prickly Pear Creek

PERMIT NUMBER: MT0023566

This is a renewal of MPDES MT0023566 for the Elkhorn Health Care Wastewater Treatment Plant and regulates the discharge to Prickly Pear Creek of treated domestic wastewater. Permit limitations have been developed to ensure the discharge does not constitute a new or increased source for the purpose of Montana Nondegradation requirements. Increased influent and effluent monitoring requirements will ensure the facility is in compliance with Montana water quality standards. The mixing zone has been redefined and year-round pathogenic bacteria limitations are included. Special conditions are included requiring actions on the part of the permittee.

In 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 the permit does not authorize any new or increased discharge of pollutants.

* * * * *

APPLICANT: Town of Ryegate

FACILITY NAME: Town of Ryegate Wastewater Plant

FACILITY LOCATION: Township 6N Range 20E Section 5,

Golden Valley County

RECEIVING WATER: Outfall 001: Musselshell River via Unnamed Slough

PERMIT NUMBER: MT0020451

This is a reissuance of the MPDES permit for the Town of Ryegate Wastewater Plant. The facility intermittently discharges into the Musselshell River via an unnamed dry slough. 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 entering the unnamed dry slough and the Musselshell 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 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 Musselshell River.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS September 10, 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 September 10, 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.

PUBLIC NOTICE NO. MT-09-28

August 10, 2009