



**PUBLIC NOTICE NO. MT-09-37**  
**October 5, 2009**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a permit as described 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) 17.30.1101 *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 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](http://www.deq.mt.gov).

APPLICANT INFORMATION

PERMIT/CATEGORY: General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer System (MS4)

GEOGRAPHIC REGION: Statewide

FACILITIES: Regulated Small MS4s

RECEIVING WATERS: State Waters

PERMIT NUMBER: MTR040000

This Small MS4 General Permit regulates the discharge of storm water from designated MS4s into state waters in accordance with Federal and State storm water discharge permitting requirements. Storm water discharges from Small MS4s contain pollutants that may cause impairment of state waters. To reduce the levels of pollutants in the discharge, and essentially address typical urban storm water management issues for smaller urban areas, permittees are required to develop, implement, and enforce a Storm Water Management Program (SWMP). The SWMP addresses six minimum control measures and implements various Best Management Practices (BMPs).

As of the date of this notice, the Small MS4 General Permit would regulate storm water discharges pertaining to the City of Billings, City of Missoula, City of Great Falls, City of Helena, City of

Butte, City of Bozeman, and City of Kalispell. Yellowstone County, Missoula County, and Cascade County also have regulated storm water discharges for certain areas outside of the respective city limits covered under this General Permit. Also permitted are storm water discharges pertaining to the University of Montana in Missoula, Montana State University in Bozeman, and Malmstrom Air Force Base in Great Falls. The Montana Department of Transportation has storm water discharges from their roadway corridors permitted under this General Permit within the aforementioned city and county areas.

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 November 5, 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 November 5, 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 Bree Duffy or Barb Sharpe at [WPBPublicNotices@mt.gov](mailto:WPBPublicNotices@mt.gov).

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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