



PUBLIC NOTICE NO. MT-09-43
November 30, 2009

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue a General 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) 17.30.1301 *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 facilities listed below. Copies of the draft permit, fact sheet, and environmental assessment are available upon request from the Water Protection Bureau address or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

PERMIT/CATEGORY	Produced Water General Permit (PW-GP)
GEOGRAPHIC REGION:	Statewide
FACILITIES:	Oil and Natural Gas Production Operations
RECEIVING WATER:	Ephemeral Drainages
PERMIT NUMBER:	MTG310000

The Produced Water General Permit (PW-GP) allows oil and natural gas operations that meet effluent limitations and other conditions specified in the permit to discharge produced water. The PW-GP only authorizes produced water discharge to state waters other than ephemeral drainages forming impoundments for a specified beneficial use-livestock and wildlife watering.

The PW-GP does not apply to the discharge of produced water on Indian Lands. The PW-GP also excludes coal bed natural gas (CBNG) operations, and oil and natural gas operations in the Powder River, Tongue River, and Little Power River watersheds.

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: 1) it is not a new permit; 2) it does not allow any increases in the level of pollutants in the discharges covered by the existing General Permit; (3) No discharge to state surface waters other than ephemeral drainages are authorized by this general permit.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS January 15, 2010. 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 January 15, 2010 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 or Bree Duffy at WPBPublicNotices@mt.gov.

A public hearing will be held on the draft general permit, the fact sheet, the environmental assessment, and the Department's tentative determination on **January 6, 2010, at 1:30 pm in the Department's Lee Metcalf Building, Room 111. The address is 1520 E. Sixth Ave., Helena, MT.**

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 application 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 Bree Duffy or Barb Sharpe no later than **January 1, 2010**, to allow adequate time to make needed arrangements. You can call Bree or Barb at 444-3080 or write to them at the address noted to make your request known.