



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-10-21
July 12, 2010

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: Westmoreland Savage Corp.
P.O. Box 30
Savage, Montana 59262

FACILITY NAME: Savage Mine

FACILITY LOCATION: County Rd 107, Richland Co.

RECEIVING WATER: Peabody Coulee
Garden Coulee

PERMIT NUMBER: MT0023604

This is a reissuance of MPDES permit MT0023604 for Westmoreland Savage Corporation which discharges treated mine drainage from an approximately 550 acre, lignite coal mine to Peabody Coulee and Garden Coulee, ephemeral streams which are tributary to the Yellowstone River, located approximately 5 miles downstream. Treatment consists of a series of settling ponds designed to contain the runoff from a 10-year, 24-hour precipitation event.

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 receiving water is not listed as impaired and the permit does not contain any new or increased discharges.

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APPLICANT: Spring Creek Coal, LLC.
P.O. Box 67
Decker, Montana 59025

FACILITY NAME: Spring Creek Mine

FACILITY LOCATION: Lakeshore Drive, Big Horn Co.

RECEIVING WATER: Spring Creek
South Fork Spring Creek

PERMIT NUMBER: MT0024619

This is a reissuance of MPDES permit MT0024619 for Spring Creek Coal Company which discharges treated mine drainage from an approximately 6,700 acre, sub-bituminous coal mine to Spring Creek and South Fork Spring Creek, ephemeral streams which are tributary to Tongue River Reservoir. Treatment consists of a series of settling ponds designed to contain the runoff from a 25-year, 24-hour precipitation event.

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 receiving water is not listed as impaired and the permit does not contain any new or increased discharges.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS August 11, 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 August 11, 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 Bree Duffy or Barb Sharpe at WPBPublicNotices@mt.gov.

During the public comment period provided by the notice, the Department will accept requests for a

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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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DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PROTECTION BUREAU
PO BOX 200901
HELENA MT 59620-0901

TODD EVERTS
LEGISLATIVE ENVIRONMENTAL POLICY OFFICE
RM 171 STATE CAPITOL BUILDING
INTERAGENCY MAIL