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-10-22**
July 12, 2010

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. 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 Energy Company P.O. Box 99 Colstrip, Montana 59025
FACILITY NAME:	Rosebud Mine
FACILITY LOCATION:	Castle Rock Road, Rosebud Co.
RECEIVING WATER:	East Fork Armells Creek, Stocker Creek, Lee Coulee, West Fork Armells Creek, Black Hank Creek, Donley Creek, Cow Creek, Spring Creek, Pony Creek
PERMIT NUMBER:	MT0023965

This is a reissuance of MPDES permit MT0023965 for Western Energy Company which discharges treated mine drainage from an approximately 25,000 acre, sub-bituminous coal mine to East Fork Armells Creek, West Fork Armells Creek, Stocker Creek, Black Hank Creek and Donley Creek (all tributary to East Fork Armells Creek, which is tributary to the Yellowstone River); and to Lee Coulee, Spring Creek, Cow Creek and Pony Creek (all tributaries to Rosebud Creek, which is tributary to the Tongue River). All nine receiving waters that receive direct discharges from permitted outfalls are ephemeral streams. Treatment consists of a series of settling ponds and each outfall is associated with a settling

pond 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.

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 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