



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-11-13
May 16, 2011

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 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: Concentrated Aquatic Animal Production Facilities

FACILITY NAME: Various - See Fact Sheet

FACILITY LOCATION: Various - See Fact Sheet

RECEIVING WATER: State Waters

PERMIT NUMBER: MTG130000

This is a reissuance of the Concentrated Aquatic Animal Production MPDES general permit. The permit will authorize wastewater discharges from fish hatcheries in Montana. These facilities utilize flow through raceways or pond systems to rear fish for stocking in state waters. The permit requires the development of a Best Management Practices plan to control the discharge of waste solids to state waters and requires treatment of wastes, primarily via settling, at facilities that produce 20,000 pound or more of fish per year. The permit also includes a numeric limit for polychlorinated bi-phenols (PCBs) to protect human health.

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

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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) permit conditions will be protective of water quality and reduce pollutant loading to the receiving waters and the permit is in compliance with the provisions of 75-5-303 MCA; and 3) minimum treatment requirements are met.

PUBLIC COMMENT

Public comments are invited **ANYTIME PRIOR TO CLOSE OF BUSINESS June 15, 2011.** 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 June 15, 2011** 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 Noelle Uncles or Barb Sharpe at 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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DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PROTECTION BUREAU
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LEGISLATIVE ENVIRONMENTAL POLICY OFFICE
RM 171 STATE CAPITOL BUILDING
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