



Montana Department of  
**ENVIRONMENTAL QUALITY**

Brian Schweitzer, Governor

P. O. Box 200901

Helena, MT 59620-0901

(406) 444-2544

Website: [www.deq.mt.gov](http://www.deq.mt.gov)

**PUBLIC NOTICE NO. MT-11-29**  
**December 12, 2011**

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](http://www.deq.mt.gov).

APPLICANT INFORMATION

APPLICANT: Air Liquide Industrial U.S. LP

FACILITY NAME: Air Liquide Industrial U.S. LP

FACILITY LOCATION: 600 South Montana Ave.  
East Helena  
Lewis and Clark County

RECEIVING WATER: Outfall 001: Prickly Pear Creek

PERMIT NUMBER: MT0000426

The proposed discharge is cooling water from a cooling tower. Cooling water is produced during the production of cryogenic liquid oxygen from the separation of atmospheric air. Discharge will be to Prickly Pear Creek.

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 Montana, Missoula Division. The DEQ finds that the issuance of this proposed permit does not conflict with the order because the discharge will not cause a decline in water quality for

parameters by which the water body is impaired and no TMDL for temperature is established for this particular segment of Prickly Pear Creek.

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APPLICANT NAME: Town of Winifred  
P.O. Box 181  
Winifred, MT 59489

FACILITY NAME: Town of Winifred Wastewater Treatment Facility

FACILITY LOCATION: T21N, R18E, Section 26  
Fergus County

RECEIVING WATER: Unnamed tributary to Dog Creek

PERMIT NUMBER: MT0031453

This permit is a reissuance of a Montana Pollutant Discharge Elimination System (MPDES) permit for surface discharge of treated wastewater to an unnamed tributary to Dog Creek. The Town of Winifred operates a single-cell facultative lagoon system constructed in 1961, with no disinfection of the effluent and an unknown design flow. The domestic wastewater collection and treatment system serves approximately 156 people. The proposed permit will apply final effluent limitations of the national secondary treatment standards for five-day biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS); and year-round pathogen limits, as measured by *Escherichia coli* (*E. coli*), total ammonia nitrogen, nitrate + nitrite nitrogen, pH and oil and grease necessary to meet receiving water quality standards. Final effluent limitations become effective January 1, 2017. The proposed permit requires periodic self-monitoring of discharge quality and quantity, with monthly reporting of results. This permit and Statement of Basis will be submitted to the EPA for approval.

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary 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.*, 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 this is not a new or increased source.

PUBLIC COMMENT

Public Notice No.: MT-11-29

December 12, 2011

Page 3 of 3

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS January 11, 2012. 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 11, 2012 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](mailto: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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