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-11-30
**December 12, 2011**

## 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

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| APPLICANT: | Decker Coal Company<br>P.O. Box 12<br>Decker, MT 59025 |
| FACILITY NAME: | Decker West Mine |
| FACILITY LOCATION: | 12 Lakeshore Drive, 12 Lakeshore Drive, Big Horn County |
| RECEIVING WATER: | Tongue River Reservoir |
| PERMIT NUMBER: | MT0000892 |

This is a reissuance of MPDES permit MT0000892 for Decker Coal Company which discharges treated mine drainage from a surface coal mine to the Tongue River Reservoir. Treatment consists of settling ponds designed to contain the runoff from a 10-year, 24-hour precipitation event. If ponds are removed and reclaimed during the term of the reissued permit, treatment will consist of an approved Sediment Control Plan.

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 it is not a new permit and the permit includes effluent limits that prohibit any increases above previously-allowed authorized amounts.

PUBLIC COMMENT

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.

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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