



Steve Bullock, Governor
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PUBLIC NOTICE NO. MT-13-18
July 8, 2013

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, statement of basis, 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: ConocoPhillips Company
FACILITY NAME: ConocoPhillips Billings Refinery
FACILITY LOCATION: 401 S. 23rd St. Billings, MT 59107
COUNTY: Yellowstone
RECEIVING WATER: Yegen Drain and Yellowstone River
PERMIT NUMBER: MT0000256

This is a major modification of the MPDES permit for the ConocoPhillips Billings Refinery. The modification adds one outfall for the direct discharge of the refinery's process wastewater to the Yellowstone River. The modification includes new water quality based effluent limits for arsenic and selenium, and requires extensive monitoring and whole effluent toxicity testing. Monitoring of the effluent, via the new outfall, is required prior to mixing with the Yellowstone River.

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

Public Notice No.: MT-13-18

July 8, 2013

Page 2 of 2

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 because the proposed discharge is downstream of the existing refinery discharge via the Yegen Drain. Therefore, the permit does not allow any increase in the pollutant load to the Yellowstone River.

PUBLIC COMMENT

Public comments are invited **ANYTIME PRIOR TO CLOSE OF BUSINESS August 8, 2013.** 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 8, 2013** 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 David Dunbar 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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