



PUBLIC NOTICE NO. MT-09-17
June 15, 2009

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: **Sidney Sugars Inc.
35140 County Road 125
Sidney, MT 59270**

FACILITY NAME: **Sidney Sugars sugar beet processing facility**

FACILITY LOCATION: **Northwest ¼ of Section 34, Township 23 North,
Range 59 East, Richland County**

RECEIVING WATER: **Outfall 001: Unnamed irrigation return channel
Outfall 002: Yellowstone River via shallow ground
water (Class I)
Outfall 003: Class II ground water
Outfall 004: Yellowstone River via shallow ground
water (Class I)**

PERMIT NUMBER: **MT0000248**

This is a MPDES permit renewal for the Sidney Sugar Inc. sugar beet processing facility. The permittee has applied for four outfalls. Outfall 001 is the only direct surface water discharge. The company rarely discharges from this outfall. Effluent discharged from Outfalls 002 and 004 is discharged to the shallow ground water that has a direct hydrological

connection to the Yellowstone River. Outfall 004 is seasonally land applied to irrigated crop fields adjacent to the river. Discharges at Outfall 003 are to the shallow Class II aquifer from the unlined wastewater impoundments located at the factory site. Discharge from these impoundments is year-round, or as long as water is contained.

The draft permit proposes effluent limits and monitoring for discharges from Outfalls 001 and 002, and monitoring at Outfalls 003 and 004. The following parameters are included monitoring: flow; pH; temperature; specific conductivity; biochemical oxygen demand (BOD₅); total suspended solids (TSS); pathogens; and nutrients (total ammonia as N, nitrate plus nitrite as N, TKN, and total phosphorus). Discharges to surface water (Outfall 001) have Whole Effluent Toxicity (WET) testing requirements.

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 or increased source.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS July 15, 2009. 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 July 15, 2009 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 Carol Bertke 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.

PUBLIC NOTICE NO. MT-09-17

June 15, 2009