



PUBLIC NOTICE NO. MT-09-30
August 10, 2009

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department's intention to issue wastewater discharge permits to the facility listed in this notice and hold a public hearing on the issuance of this permit. 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 address or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT: James W. Guercio
1300 Walnut Street, Suite 200
Boulder, CO 80302

FACILITY NAME: OW Ranch Hanging Woman Creek Project

FACILITY LOCATION: 15 mile south of Birney,
T9S, R43E, Big Horn County, MT
N 45°08'10.6" W 106°28'34.5"
Decker, MT 59025

RECEIVING WATER: Outfall 001-004: Upper Hanging Woman Creek,
Horse Creek, Trail Creek,
and East Trail Creek
Outfall 005: Lower Hanging Woman Creek

PERMIT NUMBER: MT0031593

The permittee proposes to produce coal bed natural gas (CBNG) from OW Ranch Hanging Woman Creek Project area and discharge CBNG produced water to Hanging Woman Creek and its tributaries. The effluent is proposed to be treated using ion exchange technology. Because the receiving waters are either ephemeral in nature, or intermittent/perennial with 7-

day, 10-year (7Q10) low flow as zero, no mixing zones were granted. Effluent limits for all five outfalls were developed based on applicable water quality standards and non-degradation criteria to protect the lower reach of Hanging Woman Creek and the Tongue River. Effluent monitoring for all five outfalls and instream monitoring are proposed.

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 the treated effluent will maintain sediment concentration below the existing levels. The augmented flow in the receiving water will not cause extra sediment from erosion because the river channel is a stable type and the added flow is within the stream channel capacity.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS September 25, 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 September 25, 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 Barb Sharpe at WPBPublicNotices@mt.gov.

A public hearing will be held on the draft wastewater discharge permit, the Statement of Basis, environmental assessment, and the Department's tentative determination on **September 16, 2009, at 6:00 pm in the Council Room of City Hall, Hardin, Big Horn County. The address is 406 N Cheyenne Avenue, Hardin, MT.**

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 administrative record, including the permit application and other pertinent information, is maintained at the Water Protection Bureau office in Helena and is available for review during business hours.

The State of Montana makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in state government. Persons needing an accommodation must notify Barb Sharpe no later than **September 11, 2009**, to allow adequate time to make needed arrangements. You can call Barb at 444-3080 or write to her at the address noted to make your request known.