



PUBLIC NOTICE NO. MT-09-35
October 5, 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, 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 NAME: Town of Hysham
P.O. Box 228
Hysham, MT 59038

FACILITY NAME: Town of Hysham Wastewater Treatment Facility

FACILITY LOCATION: 46° 17'35" N latitude, 107° 15' 35" W longitude
Treasure County

RECEIVING WATER: Unnamed tributary to the Yellowstone River

PERMIT NUMBER: MT0021709

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 the Yellowstone River. The unnamed tributary to the Yellowstone River is an ephemeral stream. The Town of Hysham operates a two-cell facultative lagoon system (with a portable aerator in cell 1) that serves approximately 280 people. The proposed permit will apply treatment equivalent to secondary treatment standards for five-day biochemical oxygen demand (BOD₅), national secondary treatment standards for pH, and alternative state requirements applicable to lagoon systems for total suspended solids (TSS). 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

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 this is not a new or increased source.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS November 5, 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 November 5, 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 Bree Duffy 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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