



Montana Department of  
**E**NVIRONMENTAL **Q**UALITY

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PUBLIC NOTICE NO. **MT-09-44**  
**December 14, 2009**

PURPOSE OF PUBLIC NOTICE

The purpose of this **re-issued notice** is to state the Department's intention to issue a General Permit as described in this notice. The draft General Permit was modified based on comments received during the previous public notice period that ended on September 24, 2009. The Department found that there were significant comments that required changes in the draft permit; therefore, we are **soliciting public comments during this new public notice period**. If anyone that reviewed the previous draft has remaining comments, they will need to resubmit them in this public notice period.

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](http://www.deq.mt.gov).

APPLICANT INFORMATION

PERMIT/CATEGORY: Suction Dredge General Permit (SDGP)  
GEOGRAPHIC REGION: Statewide  
FACILITIES: Portable Recreational Suction Dredge Operations  
RECEIVING WATERS: State Surface Water  
PERMIT NUMBER: MTG370000

The SDGP allows portable recreational suction dredge operations that meet effluent limitations and other conditions specified in the permit to discharge to state waters. This General Permit is applicable to portable recreational suction dredge operations with an intake size of four (4) inches or less. The discharge from suction dredges permitted under the SDGP consists only of stream water and bed material; no chemicals may be added as part of the suction dredging process. Oil and grease and fuel are also potential pollutants if the operating dredge has leaking seals or if fuel is spilled during refilling.

The SDGP prohibits the suction dredge owner/operator from causing a visible increase in turbidity at the end of the mixing zone, causing a visible oil film, or adding any chemicals to the operation. The Department may restrict the time period allowed for suction dredging by including seasonal restrictions in the authorization letter. In addition, the SDGP includes Best Management Practices that are designed to protect the integrity of the stream and stream bank.

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: 1) it is not a new permit; 2) the actual load for turbidity and suspended solids will not exceed water quality standards and the permit is in compliance with the provisions of 75-5-303 MCA; and 3) minimum treatment requirements are met.

#### PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS **January 14, 2010**. 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 14, 2010** 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](mailto:WPBPublicNotices@mt.gov).

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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