



**PUBLIC NOTICE**  
**July 10, 2024**

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to state the Department of Environmental Quality's intent to issue a 401 Water Quality Certification for the Project listed in this notice. This certification is issued by the Department under the authority of 75-5-402, Montana Code Annotated (MCA) and the Administrative Rules of Montana 17.30.101 et seq., 401 Certification and Section 401 of the federal Clean Water Act, 33 U.S.C. 1251 et seq. The Water Protection Bureau has prepared a tentative determination to issue a 401 Certification with Project Specific Conditions listed below.

APPLICANT INFORMATION

APPLICANT NAME: **Montana Department of Natural Resources and Conservation**  
**1424 9th Avenue**  
**Helena, MT 59601**

PROJECT: **Broadwater Hydroelectric Project, FERC No. 2853**

PROJECT LOCATION: **511 Toston Dam Road**  
**Toston, MT 59643**

WATERWAY: **Missouri River**

COUNTY: **Broadwater**

CERTIFICATION NUMBER: **MT4012091**

A tentative determination has been made by DEQ to issue a 401 Water Quality Certification for the Broadwater Hydroelectric Project, FERC No. 2853 along the Missouri River near Toston, Montana. The Broadwater Hydroelectric Project is an existing 9.66-megawatt project that is owned and operated by the Department of Natural Resources and Conservation (DNRC). The existing project is licensed by the Federal Energy Regulatory Commission. The Project is operated in run-of-river mode (ROR) and generates approximately 62 million kilowatt hours of renewable energy annually. DNRC is seeking a new license to continue operation of the Project in ROR mode consistent with current operations.

### **TENTATIVE 401 WATER QUALITY CERTIFICATION**

DEQ has examined the complete application, MT4012091, and bases its determination upon an evaluation of the information contained in the application that is relevant to water quality. DEQ certifies that this project in its current form following the conditions in the 401 Water Quality Certification will not violate water quality standards. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards.

### **PROJECT SPECIFIC CONDITIONS**

1. The Montana Department of Natural Resources and Conservation (DNRC) shall develop a Montana Department of Environmental Quality (DEQ) approved water quality and fish tissue monitoring plan to be implemented within one year of the effective date of the new license. A review and renewal of the plan shall occur on a frequency of at least once every 10 years for the duration of the license, unless a longer term is mutually agreed upon between the DNRC and the DEQ. The water quality monitoring plan may be modified at any time throughout the duration of the license upon request from the DEQ. The DNRC shall develop a water quality report every five years for the duration of the license unless other intervals are mutually agreed upon between the DNRC and the DEQ.
2. During monitoring efforts, the DNRC shall submit an annual sampling and analysis plan (SAP) for water quality and fish tissue monitoring to the DEQ and submit water quality data to the DEQ in EQUIS Electronic Data Deliverable (EDD) format.
3. The DNRC shall develop a drawdown plan to identify optimum reservoir drawdown rates during planned maintenance projects to minimize downstream turbidity when the reservoir is operated at elevations below the normal operating elevation of 3,952.6 feet. This drawdown plan will be developed and approved by the DEQ prior to the next planned maintenance drawdown.
4. The DNRC shall notify the DEQ and the Montana Department of Fish Wildlife and Parks in writing not less than two weeks prior to commencing any construction activity within the Project boundary which may result in a discharge of pollutants to State waters and notify the Departments within seven days after completion of any construction activity.
5. The DNRC shall notify the DEQ and Montana Department of Fish Wildlife and Parks within twenty-four hours of any un-authorized discharge of pollutants to state waters within the Project boundary.
6. The DNRC shall allow the DEQ reasonable entry and access to the Project and review of appropriate records in order to determine compliance with conditions of this certification.

7. The DNRC shall obtain all permits, authorizations, and certifications required by federal, state, or local laws, regulations, or ordinances prior to the commencement of any activity that could violate Montana's water quality standards. The DEQ reserves the authority under this certification to require plans, corrective actions, and monitoring necessary to correct water quality violations that may result from operation, maintenance, or construction associated with the Project.
8. Should the Project be found, at any time, not to be in compliance with any of the conditions of this certification, or should the permittee construct or operate the Project in any way other than as specified in the application or supporting documents, as modified by the conditions of this certification, then the terms of this certification shall be considered to have been violated.
9. This certification shall expire upon the assignment of transfer of the property covered by this certification unless the new owner submits to the DEQ a written consent to all the terms and conditions of this certification.

#### PUBLIC COMMENT

The 401 Water Quality Certification is being made available for a 30-day public review and comment period. During the public comment period, any interested person may submit written comments and may request a public hearing. A request for a public hearing must be in writing and must state the nature of the issues proposed to be raised in the hearing. DEQ will respond to any significant comments received during the comment period.

**Comment Period Closes:** August 9, 2024

#### **Send Comments To:**

DEQ Water Quality Division  
Water Protection Bureau  
PO Box 200901  
Helena, MT 59620

Or electronically to: [DEQWPBPublicComments@mt.gov](mailto:DEQWPBPublicComments@mt.gov)

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