

Response to Comments
Montana Department of Environmental Quality Waste Management and
Remediation Division
MPDES Permit MT0032247

On August 25, 2025, DEQ issued Public Notice MT-25-08, stating DEQ's intent to issue a MPDES permit to the Montana Department of Environmental Quality Waste Management and Remediation Division for discharges from the Belt Water Treatment Plant. Public notice MT-25-08 stated that DEQ had prepared a draft permit and fact sheet for the project. The public notice required that all substantive comments must be received or postmarked by September 25, 2025, to be considered in formulation of the final determination and issuance of the permit.

This Response to Comments document includes a summary of comments received and responses to comments received during the public comment period. DEQ has considered the following comments in preparation of the final permit and decision. The following Response to Comment document is an addendum to and supersedes relevant portions the Fact Sheet prepared for Public Notice MT-25-08, to the extent specific changes or clarifications are discussed herein.

The table below identifies those individuals who submitted comments.

Persons Submitting Significant Comments on the Fact Sheet and Draft MPDES Permit MT0032174	
Number	Commenter
1	Bob Flesher, Project Officer, DEQ Waste Management and Remediation Division
2	Erik Makus, United States Environmental Protection Agency

Responses to Comments on the Fact Sheet and Draft MPDES Permit MT0032247

Commenter 1. Bob Flesher

Comment 1: The map included in the posting was not updated. The new discharge path does not flow on the surface. The treated water will be placed in a pipe and will parallel the influent pipe. The text is correct, and the treated water will flow through a pipe back to Belt Creek. The updated flow path is on the attached map.

Response: The map attached to the comment, reflecting the correct flow path for the buried effluent pipe and discharge location, is added to the administrative record. See also the response to comment 2 for additional clarification.

Commenter 2: Erik Makus

Comment 2: The Permit and Fact Sheet (FS) should clarify details about the receiving water and outfall/monitoring location. After reading through the FS and draft Permit, the route by which the discharge reaches the receiving stream (and some details about the receiving stream itself) are unclear. For example, page 5 of the FS states that the discharge pipeline ties into an existing Anaconda MIW discharge pipeline, which discharges to Belt Creek. Page 6 states that discharge to Belt Creek is via an unnamed natural dry drainage. Page 7 states that effluent monitoring shall occur either at the point of discharge to the unnamed dry drainage, or where the effluent is pumped from the WTP into the discharge pipe. Page 8 states that there are three receiving waters (but does not identify them). The Permit (page 1) states that the receiving stream is Belt Creek, and (page 3) states the outfall is a pipe discharging into Belt Creek, but gives a latitude/longitude that is approximately 0.75 miles from Belt Creek. After reading through all of this and looking at Figure 1, it is unclear whether there is some kind of existing underground piping network leading from the facility directly to Belt Creek, or if the discharge is to an unnamed tributary to Belt Creek. The concern is that there could be some confusion on where the actual monitoring location should be. The EPA recommends that MDEQ further clarify what the actual receiving stream is, whether the discharge enters Belt Creek from a pipe or from an unnamed tributary, and ensures that the description of the discharge monitoring location matches the coordinates.

Response: DEQ offers the following clarifications:

The facility effluent will enter an underground discharge pipeline at the facility. The compliance monitoring location for the effluent will be at the facility. Samples of fully treated effluent will be collected from a sampling port in the effluent pipeline.

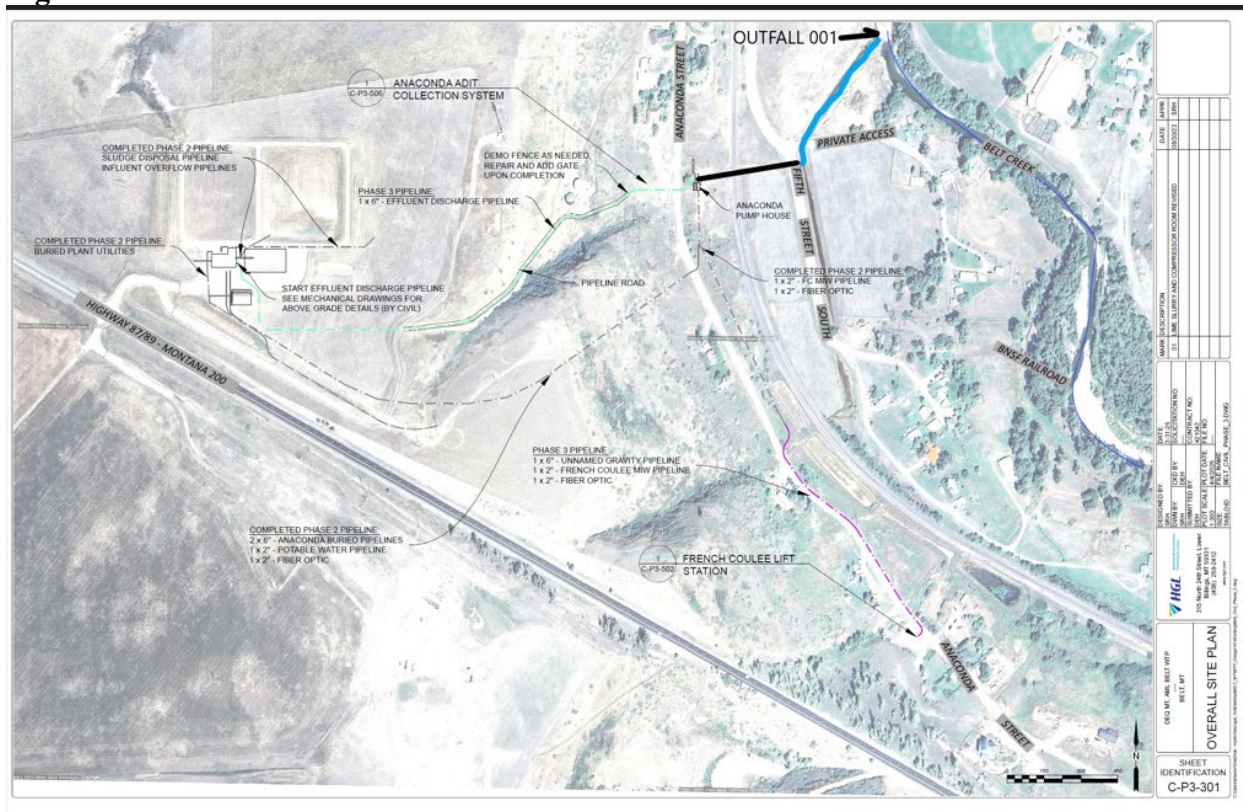
The underground effluent pipeline will follow the light blue/green line and the black line in Figure 1 below. The effluent pipeline is buried for its entire length and does not enter the Anaconda Pump House.

The effluent pipeline discharges to the existing Coke Oven Flats ditch near the intersection of Fifth Street South and the "Private Access" road (Figure 1). Coke Oven Flats ditch is the historic conveyance to Belt Creek for the Anaconda and French Coulee acid mine drainage.

The facility's treated effluent will flow in the Coke Oven Flats ditch (blue line) and discharge to Belt Creek at the location labeled Outfall 001 in Figure 1. Outfall 001 is located at Latitude 47.38240, Longitude -110.92792.

The permit has been edited to reflect the immediate receiving water of Coke Oven Flats Ditch.

Figure 1



Comment 3: The Maximum Daily Limit for Lead in the permit should be reviewed: According to Table 8 in the FS (page 15), the two calculated MDLs for lead are 25 $\mu\text{g/L}$ (based on aquatic life) and 15 $\mu\text{g/L}$ (based on human health). But instead of choosing the most protective of the two, the final WQBEL MDL carried over into Table 9 of the FS (and the final effluent limits on page 3 of the permit) is 25 $\mu\text{g/L}$. It is unclear why the human health MDL was discounted in the final calculation of the WQBEL. The EPA suggests revisiting this and clarifying whether this is a mistake (and thus the final permit MDL should be 15 $\mu\text{g/L}$), or whether the human health criteria were discounted for other reasons.

Response: DEQ agrees with the comment. Because the human health standards may not be exceeded in state surface waters, the MDL for Total Recoverable Lead in the permit should have been based on the human health standard.

The MDL in the permit is revised to 15 µg/L.

Comment 4: The additional Standard Conditions for existing manufacturing, commercial, mining, and silvicultural dischargers located at 40 CFR § 122.42(a) should be included in the permit. The EPA notes these conditions are located in the state regulations at ARM 17.30.1343(1)(a) as well. The FS (page 19) states that these conditions are included in the permit; however, they may have been mistakenly overlooked.

Response: DEQ agrees to correct this oversight and add the referenced standard conditions to the final permit (page 16-17).

Comment 5: Table 2 of the Permit needs a Daily Maximum (i.e., MDL) reporting requirement for Total Suspended Solids (TSS): Table 1 of the Permit (page 3) implements an MDL of 70 mg/L for TSS. However, Table 2 of the Permit (page 5) does not require reporting for this parameter. Parameters that are limited in the permit should be reported.

Response: A TSS monitoring requirement, as noted in the comment, is added to the final permit.

Comment 6: MDEQ should provide further explanation of the planned Total Maximum Daily Load (TMDL) revisions and describe the existing and future facility-specific Wasteload Allocations (WLAs) to justify the permit's required consistency with TMDLs: The FS (page 9) states *"The Missouri Cascade and Belt TMDL Planning Area Metals Total Maximum Daily Loads and Framework Water Quality Improvement Plan (2011 TMDL) was developed by DEQ and approved by EPA in 2011. This TMDL addressed the pollutants for which Belt Creek was a listed as impaired at the time. The TMDL includes a composite WLA for all unpermitted acid mine drainage point sources and WLAs for permitted discharges from the Town of Belt and the Town of Stockett. The TMDL also provides a formula for the calculation of TMDL WLAs for any discharge covered under an MPDES permit."* The FS (page 9) identifies a TMDL report but does not state which parameters have WLAs, the numeric value of those WLAs, or how the final effluent limits are consistent with the "assumptions and requirements of any available WLA" as required by 40 CFR 122.44(d)(1)(vii)(B). R8 TMDL staff understand MDEQ is working to revise the Belt Creek TMDL to incorporate additional WLAs not considered when the TMDL was approved in 2011, but note WLAs do not currently exist for this new facility.

Response: As noted in the comment, Montana DEQ TMDL staff are working to revise the Belt Creek TMDL. MPDES staff consulted with TMDL staff prior to issuing the public notice for this draft permit. The development of the effluent limitations in this permit are consistent with the

approach typically taken by the TMDL program when developing wasteload allocations for point sources. MPDES permits are renewed every five years and this permit's effluent limitations can be revisited at that time if the TMDL program develops a WLA for this facility that is more stringent than the permit's effluent limitations.

No change is made to the draft permit in response to this comment.

Comment 7: The Fact Sheet incorrectly interprets Wasteload Allocation calculations from the TMDL: The FS (page 9) states that “*the TMDL also provides a formula for the calculation of TMDL WLAs for any discharge covered under an MPDES permit.*” R8 TMDL staff assumes this refers to the equation presented on page 5-38 of the TMDL report. However, that formula should not be interpreted as a calculation for any future MPDES permits – otherwise the approved TMDL would get overallocated. The TMDL report context surrounding that equation discusses two specific MPDES permits and the formula is provided to document how those two WLAs were derived. TMDL regulations allow states to establish a reserve capacity or future growth allocation, but that was not included in the Belt Creek TMDL. We recommend MDEQ clarify the use and context of this formula.

Response: See the response to comment 6. In developing the effluent limitations for this facility, DEQ established limits based on achieving the most stringent water quality standard at the point of discharge. This approach is consistent with that taken by the DEQ TMDL program when establishing numerous WLAs for point sources.

Further, this discharge represents the majority of the WLA_{abmine} established for the lower Belt Creek stream segment in the 2011 TMDL. The WLA_{abmine} discharge is given the majority of the total TMDL for lower Belt Creek. With this project, DEQ has taken that discharge and subjected it to treatment, thus significantly reducing pollutant loading to lower Belt Creek. The permit then establishes effluent limitations to ensure the discharge achieves the water quality standards at the end of pipe.

No change is made to the draft permit in response to this comment.

Comment 8: The permit should require (at a minimum) the facility to perform effluent salinity monitoring: The FS (page 11) states “*...in this segment of Belt Creek, the TMDL did not establish a salinity target. Metals targets are considered a surrogate for salinity until formal reevaluation is conducted by DEQ. No additional effluent limit is necessary for salinity.*” While a stand-alone salinity TMDL was not developed for Belt Creek, the TMDL did establish a salinity target of 1,000 $\mu\text{S}/\text{cm}^1$, and the impairment cause is considered addressed by other metals TMDLs. Despite mentioning a formal reevaluation (i.e., re-assessment), salinity has remained an impairment cause through the most recent 2020 Integrated Report. Additionally, the facility reported a projected effluent quality value for salinity of 3,600 $\mu\text{S}/\text{cm}$ (FS, Table 2, page 6). Given this reported value, the existence of a considerably lower water quality target, and an

existing impairment, the EPA recommends that MDEQ include salinity monitoring requirements in the permit.

Response: While DEQ does not fully agree with the comment because the TMDL also states that more recent instream monitoring indicates the stream achieves the salinity target, DEQ agrees to add a salinity monitoring requirement to the permit and will re-evaluate salinity at the next permit renewal.