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Ravalli County Commissioners

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Montana Department of
ENVIRONMENTAL QUALITY

Steve Bullock, Governor
 Tracy Stone-Manning, Director

P. O. Box 200901 Helena, MT 59620-0901 (406) 444-2544 Website: www.deq.mt.gov

PUBLIC NOTICE NO. MT-14-11
 April 11, 2014

PURPOSE OF PUBLIC NOTICE

The Montana Department of Environmental Quality has withdrawn draft discharge permit Number MT0031763 and supporting documents prepared for RC Resources, Inc.'s Rock Creek Mine - Road Project. The incorrect draft permit and supporting documents were mistakenly issued for public comment on March 17, 2014 under public notice number MT-14-08.

By this notice, the Department is stating its intention to publish a correct draft permit, statement of basis and environmental assessment for the Rock Creek Mine - Road Project and has initiated a new 30-day public comment period that will end on May 15, 2014.

This draft 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); ARM 17.30.1001 *et seq.*, Montana Ground Water Pollution Control System (MGWPCS); and Sections 402 and 303 of the Federal Clean Water Act. Copies of the draft permit, statements of basis, and environmental assessments are available upon request from the Water Protection Bureau or on the Department's website www.deq.mt.gov.

APPLICANT INFORMATION

APPLICANT: RC Resources, Inc.
 7 Rock Creek Rd.
 PO Box 1488
 Noxon, MT 59853

FACILITY NAME: Rock Creek Mine - Road Project

FACILITY LOCATION: Township 26 North, Range 32 West, Section 10, Sanders County

RECEIVING WATER: Outfalls 001-005: Miller Gulch
 Outfalls 006-009: Rock Creek or Ephemeral Tributary
 Outfall 010: Big Cedar Gulch
 Outfall 011: Orr Creek
 Outfalls 012-013: Rock Creek
 Outfalls 014-026: West Rock Creek or Ephemeral Tributary

PERMIT NUMBER: MT0031763

The permittee has proposed to operate a copper/silver mine approximately seven miles northeast of the Town of Noxon in Sanders County. This permit addresses the initial construction phase prior to the commencement of exploratory mining. The permittee has applied for an individual permit for the discharge of storm water related to construction of the adit and the excavation of a trench in an existing Forest Service road to install a pipeline and power line, followed by backfilling the trench. In addition, the permittee will make improvements to the road in order to reduce the sediment delivery to the Rock Creek drainage. The majority of the activity will occur within the existing road prism except for the location where directional drilling will be used to pass the pipeline and power line under Rock Creek and two short sections of road widening or realignment. The pipeline and power line installation will start at the beginning of Forest Service Road 150 and move incrementally up towards the adit site. The potential to discharge storm water from each outfall will only occur for a few days during active construction as the project progresses towards the adit. Adit portal construction will consist of installing storm water controls (diversion ditches and berms), topsoil stripping and stockpiling, grading for the adit pad, and the construction of a lined water treatment pond. No mixing zone is being proposed in this permit action. Non-degradation requirements for this new source have been included in development of this permit. Monitoring requirements include turbidity, precipitation, compliance with best management practices, discharge event observations, and reporting.

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 all necessary TMDLs have been established for water quality limited segments.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS May 15, 2014. 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 May 15, 2014 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 David Dunbar 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).

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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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