



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-13-31
December 9, 2013**

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, fact sheet, 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: Burlington Northern Santa Fe Railway Company
825 Great Northern Blvd., Ste. 105
Helena, MT 59601

RECEIVED

FACILITY NAME: KRY Site

DEC 17 2013

FACILITY LOCATION: Township 28N, Range 21E, Section 8
400 Flathead Drive
Kalispell, MT 59901
Flathead County

Ravalli County Commissioners

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RECEIVING WATER: Outfall 001: Stillwater River

PERMIT NUMBER: MT0031739

This notice is for termination of the Montana Pollutant Discharge Elimination System (MPDES) permit no. MT0031739 for the KRY State Superfund Site (KRY) located in Kalispell, Montana. Burlington Northern Santa Fe Railway Company (BNSF), the liable party for the facility, planned a remedial treatment of rock material excavated from on-site soils as part of a land treatment unit (LTU) remedy selected in the 2008 Record of Decision for KRY. BNSF applied for and received a MPDES permit from the Department for the discharge of rock wash water from a portion of this LTU. The permit was originally issued on

July 16, 2012, effective on September 1, 2012, and modified on February 27, 2013. A letter received by the Department from BNSF's Manager of Environmental Remediation on November 15, 2013, states that remedial activities have been completed and no discharge was conducted. The letter requests termination of permit coverage. In accordance with the Administrative Rules of Montana 17.30.1363, the Department has tentatively determined to terminate MPDES permit no. MT0031739.

PUBLIC COMMENT

Public comments are invited ANYTIME PRIOR TO CLOSE OF BUSINESS January 9, 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 January 9, 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).

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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DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER PROTECTION BUREAU
PO BOX 200901
HELENA MT 59620-0901

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