

# Clean Water Act: Environmental Organizations Challenge Montana Mine Water Discharge Permit



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The Montana Environmental Information Center, Save Our Cabinets, Earthjustice, and Earthworks (collectively “MEIC”) filed an August 15th Complaint for Declaratory Relief (“Complaint”) in Montana First Judicial District Court challenging a Montana Pollution Discharge Elimination System (“MPDES”) permit issued for the proposed Montanore Mine.

The Complaint describes the project as a copper and silver mine proposed by the Montanore Minerals Corp. (“MMC”) in the Cabinet Mountains of northwest Montana.

MEIC’s Complaint alleges that the Montana Department of Environmental Quality (“MDEQ”) issued permit for the project violated certain statutes and implementing regulations. Such violations are alleged to include:

- Omission of legally required pollutant limitations
- Reliance on a 25 year old authorization for another company’s abandoned project at the Montanore site

The MPDES permit is stated to authorize discharges into three creeks which are designated as “high quality” waters under Montana law. The designated uses of these receiving waters are stated to include swimming, recreation, and growth and propagation of Salmonid fish species.

The MPDES permit would authorize discharge from eight outfalls.

MEIC’s Complaint alleges six causes of action which are stated to include:

- Failure to Establish Technology-Based Effluent Limitations for Discharges from Outfalls 001-003
- Failure to Establish Technology-Based Effluent Limitations for Outfalls 004-008 and Ensure Adequate Regulatory Oversight and Public Participation
- Arbitrary and Unsupported Reasonable Potential Analyses for Pollutant Discharges from Outfalls 001-003
- Failure to Conduct Valid Reasonable Potential Analysis for Whole Effluent Toxicity
- Reliance on Invalid Authorization to Degrade
- Arbitrary and Unlawful Compliance Schedules

The Complaint asks that the permit for the project be set aside.

A copy of the Complaint can be downloaded [here](#).