

**MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

AUTHORIZATION TO DISCHARGE UNDER THE  
MONTANA GROUND WATER POLLUTION CONTROL SYSTEM

In compliance with Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated. (MCA) and the Administrative Rules of Montana (ARM) 17.30. Subchapter 5, Subchapter 7, and Subchapter 10 *et seq.*,

**Contact Mining Company**

is authorized to discharge from its Contact Mill tailings impoundments,

located at **½ East, Section 36, Township 7 North, Range 14 West, Granite County,**

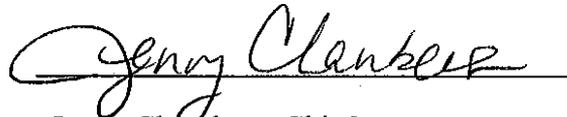
to receiving waters, **Class I ground water,**

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the permit. The numeric effluent limits, water quality standards, and special conditions specified herein support the protection of the affected receiving water.

This permit shall become effective: **August 1, 2010**

This permit and the authorization to discharge shall expire at midnight, July 31, 2015

FOR THE MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY



Jenny Chambers, Chief  
Water Protection Bureau  
Permitting & Compliance Division

Issuance Date: June 25, 2010

## TABLE OF CONTENTS

Cover Sheet--Issuance and Expiration Dates

<b>I.</b>	<b>EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS &amp; OTHER CONDITIONS.....</b>	<b>3</b>
A.	DESCRIPTION OF DISCHARGE POINTS AND MIXING ZONE .....	3
B.	EFFLUENT LIMITATIONS .....	3
C.	SELF-MONITORING REQUIREMENTS.....	3
D.	SPECIAL CONDITIONS .....	6
E.	REPORTING SCHEDULE.....	9
<b>II.</b>	<b>MONITORING, RECORDING AND REPORTING REQUIREMENTS .....</b>	<b>10</b>
A.	REPRESENTATIVE SAMPLING.....	10
B.	MONITORING PROCEDURES.....	10
C.	PENALTIES FOR TAMPERING.....	10
D.	REPORTING OF MONITORING RESULTS.....	10
E.	COMPLIANCE SCHEDULES .....	10
F.	ADDITIONAL MONITORING BY THE PERMITTEE.....	11
G.	RECORDS CONTENTS.....	11
H.	RETENTION OF RECORDS.....	11
I.	TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING .....	12
J.	OTHER NONCOMPLIANCE REPORTING.....	12
K.	INSPECTION AND ENTRY.....	13
<b>III.</b>	<b>COMPLIANCE RESPONSIBILITIES.....</b>	<b>13</b>
A.	DUTY TO COMPLY .....	13
B.	PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS.....	13
C.	NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.....	14
D.	DUTY TO MITIGATE.....	14
E.	PROPER OPERATION AND MAINTENANCE.....	14
F.	REMOVED SUBSTANCES .....	14
G.	BYPASS OF TREATMENT FACILITIES.....	14
<b>IV.</b>	<b>GENERAL REQUIREMENTS .....</b>	<b>15</b>
A.	PLANNED CHANGES .....	15
B.	ANTICIPATED NONCOMPLIANCE .....	15
C.	PERMIT ACTIONS.....	16
D.	DUTY TO REAPPLY .....	16
E.	DUTY TO PROVIDE INFORMATION .....	16
F.	OTHER INFORMATION .....	16
G.	SIGNATORY REQUIREMENTS .....	16
H.	PENALTIES FOR FALSIFICATION OF REPORTS.....	17
I.	AVAILABILITY OF REPORTS.....	17
J.	OIL AND HAZARDOUS SUBSTANCE LIABILITY.....	17
K.	PROPERTY OR WATER RIGHTS .....	18
L.	SEVERABILITY .....	18
M.	TRANSFERS .....	18
N.	FEES .....	18
O.	REOPENER PROVISIONS .....	19
<b>V.</b>	<b>DEFINITIONS .....</b>	<b>19</b>

I. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS & OTHER CONDITIONS

A. Description of Discharge Points and Mixing Zone

The authorization to discharge provided under this permit is limited to those outfalls specially designated below as discharge locations. Discharges at any location not authorized under an MGWPCS permit is a violation of the Montana Water Quality Act and could subject the person(s) responsible for such discharge to penalties under the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from first learning of an unauthorized discharge could subject such person to criminal penalties as provided under Section 75-5-632 of the Montana Water Quality Act.

<u>Outfall</u>	<u>Description</u>
002A	<p><b>Location:</b> From the East tailings impoundment, located at N 46° 18' 56" latitude, W 113° 17' 20" longitude.</p> <p><b>Mixing Zone:</b> The Department has not granted a ground water mixing zone.</p> <p><b>Treatment:</b> Primary settling.</p>
003A	<p><b>Location:</b> From the West tailings impoundment, located at N 46° 18' 48" latitude, W 113° 17' 31" longitude.</p> <p><b>Mixing Zone:</b> The Department has not granted a ground water mixing zone.</p> <p><b>Treatment:</b> Primary settling.</p>

B. Effluent Limitations

No numeric effluent limits have been developed for this permit cycle.

C. Self-Monitoring Requirements

Samples representative of effluent quality will be collected:

- Pump House – Prior to distribution and discharge;
- Outfall 002A – At the drainage pipe from the East tailings impoundment;
- Outfall 003A – At the drainage pipe from the West tailings impoundment

As a minimum, upon the effective date of this permit, the following constituents (Table 1) shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report Form (EPA No. 3320-1) that no discharge or overflow occurred.

Effluent flow will be monitored at the pump house, prior to distribution and discharge into the tailings impoundments. The permittee shall monitor the quantity of any water that flows through the under drain system of the tailings impoundments. If the tailings are found to be completely devoid of wastewater, the permittee must continue to monitor and document the dry conditions through the duration of the permit. Effluent flow monitoring shall be conducted using methods and equipment capable of producing measurements that can be reported as summarized by Table 1.

Wastewater volumes will be reported as a volume (in gallons) that is representative of : 1) the maximum volume discharged in a 24-hour period; 2) the total volume discharged for the discharge event; and 3) a 30-day average volume discharged (total volume/30 days). The measurement method shall be either by recorder or a totalizing flow meter. The permittee will report the duration of discharges to the tailings impoundments based on the numbers of days the discharge occurred during a calendar month.

The permittee will be required to report analytical data at the Required Reporting Values (RRV) listed in Table 1.

Analytical methods must be 40 CFR 136 approved methods unless otherwise approved by the Department. Analysis must meet the Required Reporting Values listed in DEQ-7 (February 2008). PQL (Practical Quantification Limits) are not acceptable substitutions for RRV.

Monthly DMRs will be required every month, regardless of the operational status of the mill.

Table 1: Effluent Monitoring and Reporting Requirements for the Pump House prior to distribution, Outfall002A and Outfall 003A.

Parameter Name	Units	Monitoring Location	Sample Type <sup>(1)</sup>	Minimum Sample Frequency <sup>(4)</sup>	Reporting Frequency	RRV <sup>(2)</sup>
Effluent Flow Rate	GPD	(3)	Continuous <sup>(1)</sup>	Continuous <sup>(1)</sup>	Monthly	NA
Duration of Discharge	Days	(3)	Instantaneous	Daily	Monthly	NA
pH, Maximum	S.U	(3)	Instantaneous	Daily	Monthly	0.1
pH, Minimum	S.U	(3)	Instantaneous	Daily	Monthly	0.1
Specific Conductivity	µmhos/cm	(3)	Instantaneous	Daily	Monthly	10.0
Alkalinity	mg/L	(3)	Instantaneous	Daily	Monthly	NA
Total Dissolved Solids	mg/L	(3)	Composite	Weekly	Monthly	NA
Nitrate plus Nitrite as N	mg/L	(3)	Composite	Weekly	Monthly	0.01
Total Ammonia as N	mg/L	(3)	Composite	Weekly	Monthly	0.05
Arsenic, dissolved	mg/L	(3)	Composite	Weekly	Monthly	0.003
Cadmium, dissolved	mg/L	(3)	Composite	Weekly	Monthly	0.00008
Copper, dissolved	mg/L	(3)	Composite	Weekly	Monthly	0.001
Lead, dissolved	mg/L	(3)	Composite	Weekly	Monthly	0.0005
Mercury, dissolved	mg/L	(3)	Composite	Weekly	Monthly	0.00001
Zinc, dissolved	mg/L	(3)	Composite	Weekly	Monthly	0.01
Antimony, dissolved	mg/L	(3)	Composite	Monthly	Monthly	0.003
Beryllium, dissolved	mg/L	(3)	Composite	Monthly	Monthly	0.001
Chromium, dissolved	mg/L	(3)	Composite	Monthly	Monthly	0.001
Nickel, dissolved	mg/L	(3)	Composite	Monthly	Monthly	0.01
Selenium, dissolved	mg/L	(3)	Composite	Monthly	Monthly	0.001
Silver, dissolved	mg/L	(3)	Composite	Monthly	Monthly	0.0005
Thallium, dissolved	mg/L	(3)	Composite	Monthly	Monthly	0.0002

Footnotes:

1. See definitions in Part V. of the permit.
2. The detection level that must be achieved in reporting monitoring or compliance data to the Department.
3. Outfall 002A (Drainage pipe from East tailings impoundment), Outfall 003A (Drainage pipe from the West tailings impoundment), Pump House (prior to distribution).
4. The permittee shall measure the daily maximum, and report the monthly average.

D. Ground Water Monitoring

No later than February 28, 2011 and continuing through the term of the permit, the permittee shall monitor the ground water in the down-gradient and up-gradient monitoring wells (to be installed as required under Part I. E. of this permit) for the parameters and at the frequency specified in Table 2.

<b>Table 2: Ground Water Monitoring Requirements</b>				
Parameter	Unit	Sample Frequency <sup>(2)</sup>	Sample Type <sup>(1)</sup>	RRV
Static Water Level	feet	1/Quarter	Instantaneous	NA
Water temperature	° C	1/Quarter	Instantaneous	NA
pH	s.u.	1/Quarter	Instantaneous	0.1
Specific Conductivity	µS/cm	1/Quarter	Instantaneous	10.0
Total Dissolved Solids	mg/L	1/Quarter	Grab	NA
Total Ammonia, as N	mg/L	1/Quarter	Grab	0.05
Nitrate + Nitrite, as N	mg/L	1/Quarter	Grab	0.01
Arsenic, dissolved	mg/L	1/Quarter	Grab	0.003
Cadmium, dissolved	mg/L	1/Quarter	Grab	0.00008
Lead, dissolved	mg/L	1/Quarter	Grab	0.0005
Mercury, dissolved	mg/L	1/Quarter	Grab	0.00001
Zinc, dissolved	mg/L	1/Quarter	Grab	0.01
Antimony, dissolved	mg/L	1/Year	Grab	0.003
Beryllium, dissolved	mg/L	1/Year	Grab	0.001
Chromium, dissolved	mg/L	1/Year	Grab	0.001
Copper, dissolved	mg/L	1/Year	Grab	0.001
Nickel, dissolved	mg/L	1/Year	Grab	0.01
Selenium, dissolved	mg/L	1/Year	Grab	0.001
Silver, dissolved	mg/L	1/Year	Grab	0.0005
Thallium, dissolved	mg/L	1/Year	Grab	0.0002
Hardness, as CaCO <sub>3</sub>	mg/L	1/Year	Grab	NA

Footnotes:  
1. See Definition section at end of permit for explanation of terms.  
2. The permittee shall measure the daily maximum concentration and report the quarterly average or annual average dependent of the parameter.

E. Special Conditions

1. Monitoring Well Installation:

- a. No later than October 29, 2010 the permittee shall submit to the Department for approval a plan for ground water monitoring well installation. The plan shall include but not be limited to the location, conceptual design and construction methods of the planned ground water monitoring wells, and the monitoring, sampling and analysis methods that will be used to meet the monitoring required in the Permit. The permittee is required to develop and implement a site specific Standard Operating Procedure (SOP) manual and a Sampling and Analysis Plan (SAP) for monitoring and sampling the ground

water monitoring wells. A copy of the SOP manual and SAP must be maintained on-site.

- b. No later than January 28, 2011, the applicant is required to install one nested pair of monitoring wells down gradient of each tailings impoundments. The nest pair of wells down gradient of the East tailings impoundment shall be located within 25 feet of the down gradient dike of the tailings impoundment. The nested pair of wells down gradient of the West tailings impoundment shall be located within 25 feet down gradient of the decant pond. These wells shall be located in the centerline of the terminus of impoundment dike and decant pond.

The first well of the nested pairs must be completed, in the top 15 feet of the first ground water-bearing zone. This well shall be screened from the top of the high water table to 15 feet below the low water table. The second well of the nested pairs of well must be finished above the contact between bedrock and overlying geologic media. This well shall be screened 10-15 feet above the geologic contact between bedrock and overlying materials.

The permittee will also be required to install one up gradient monitoring well. This well shall be finished in the top 15 feet of the first ground water bearing zone.

- c. Ground water quality monitoring shall begin no later than January 28, 2011 and continue at the frequency and for those parameters listed in Table 2 for the duration of the permit.
- d. No later than February 28, 2011 the permittee shall submit to the Department a brief report or letter documenting the results of the monitoring well installation including the final location of the installed monitoring wells, construction details and/or well logs for wells installed, and a report on ground water quality from all wells installed.
- e. Any monitoring wells installed shall be required to:
  - Be located on permittee property and always accessible to assure continued accessibility for monitoring purposes; and
  - All ground water monitoring wells must be constructed by a licensed monitoring well constructor pursuant to monitoring well construction standards so as to obtain representative static water level data and ground water quality samples.
  - Wells must be re-drilled if well construction is not adequate to capture ground water (for existing and proposed wells).

- f. Ground water quality samples will be collected in accordance with the Department's "Historical Nonpoint Source Water Quality Standard Operating Procedures", Section 11.10 "Groundwater Data Collection. Ground water sampling shall follow the procedures outlined in Section 11.10. <http://www.deq.mt.gov/wqinfo/monitoring/SOP/pdf/11-10.pdf>. The permittee will document the methodology and equipment used to sample monitoring wells during all sampling events. Ground water monitoring well self monitoring records shall be maintained onsite in accordance with ARM 17.30.1031(5)(g).
- g. Annually (by December 31 of each year), lasting through the term of the permit, the permittee shall submit annual reports that summarize the wastewater quality and ground water quality data collected over the year.

2. Conduct and Report Water Balance:

- a. Prior to July 31, 2015, the permittee shall submit to the Department a water balance that calculates the volume of wastewater discharged to ground water. The water balance shall include the volume of wastewater discharged to the tailing impoundments, to ground water, returned to the mill for reuse and that portion of water that is lost through evaporation or contributed to the system through precipitation.

3. Other Requirements:

Effective upon issuance through the duration of the permit:

All design criteria, engineering specifications, reclamation procedures and operating procedures contained in the application documents and reclamation plan shall be implemented and shall be considered part of the permit.

- a. An average of two (2) feet of topsoil and/or sub-soil must be stripped and stock piled for reclamation use from all disturbed areas, i.e., roads, diversion areas and impoundment expansions.
- b. A minimum of two (2) feet of soil material must be spread over the tailings and dike face of the west impoundment. CMC may request a change in this requirement if it can be documented by a qualified soil scientist with data submitted to a qualified laboratory that the tailing in the impoundment and on the dike face at the end of the impoundment life will not adversely affect revegetation efforts with less cover.
- c. A minimum of two (2) feet of freeboard must be maintained in the impoundment at all times.

- d. Surface runoff from outside the project area must be diverted to prevent its flow through the operation.
- e. Tailing pond dikes must be carefully maintained to prevent erosion and transport of materials off the property of the permittee or into state waters.
- f. Dikes must be revegetated for permanent stability before abandonment.
- g. Best management practices (BMPs) shall be utilized to control fugitive dust emissions from the facility. The following BMPs are examples of what may be required on wind erosive sites: watering, temporary seeding, topsoiling and revegetation, wind breaks, chemical amendments, soil amendments and/or stabilization fabric.
- h. Best management practices (BMPs) shall be utilized to control sedimentation and erosion. Exhibit II shall be consulted as a guide in selecting appropriate BMPs.

E. Reporting Schedule

The following table is a summary of reporting requirements stated in this part (Part I) of the permit.

<b>Compliance Schedule</b>		
Authority	Action	Scheduled Completion Date
ARM 17.30.1031	Implement design criteria, engineering specifications, reclamation procedures and operating procedures in section	Upon issuance
ARM 17.30.1031	Submit plan to install wells, submit SOP and SAP manuals	October 29, 2010
ARM 17.30.1031	Install nested pairs and up gradient monitoring wells and begin ground water quality monitoring from all wells	January 28, 2011
ARM 17.30.1031	Submit report documenting installation of monitoring wells and ground water quality from all wells	February 28, 2011
ARM 17.30.1031	The permittee shall submit annual reports that summarizes the wastewater and ground water data collected over the year	By December 31 of each year
ARM 17.30.1031	Submit Water balance	July 21, 2015

## II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

### A. Representative Sampling

Samples taken in compliance with the monitoring requirements established under Part I of the permit shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

### B. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under Part 136, Title 40 of the Code of Federal Regulations, unless other test procedures have been specified in this permit. All flow-measuring and flow-recording devices used in obtaining data submitted in self-monitoring reports must indicate values within 10 percent of the actual flow being measured.

### C. Penalties for Tampering

The Montana Water Quality Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000, or by imprisonment for not more than six months, or by both.

### D. Reporting of Monitoring Results

Self-monitoring results shall be submitted to the Department monthly. Monitoring results obtained during the previous monitoring period shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, "no discharge" shall be reported on the report form. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the "Signatory Requirements" (see Part IV.G of this permit), and submitted to the Department at the following address:

Montana Department of Environmental Quality  
Water Protection Bureau  
PO Box 200901  
Helena, Montana 59620-0901  
Phone: (406) 444-3080

### E. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using approved analytical methods as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

G. Records Contents

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The time analyses were initiated;
5. The initials or name(s) of individual(s) who performed the analyses;
6. References and written procedures, when available, for the analytical techniques or methods used; and
7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

H. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this MPDES permit must be maintained on site during the duration of activity at the permitted location.

I. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any serious incidents of noncompliance affecting the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Protection Bureau at (406) 444-3080 or the Office of Disaster and Emergency Services at (406) 841-3911. The following examples are considered serious incidents:
  - a. Any noncompliance which may seriously endanger health or the environment;
  - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G of this permit, "Bypass of Treatment Facilities");
  - c. Any upset which exceeds any effluent limitation in the permit (See Part III.H of this permit, "Upset Conditions").
2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau, by phone, at (406) 444-3080.
4. Reports shall be submitted to the addresses in Part II.D of this permit, "Reporting of Monitoring Results".

J. Other Noncompliance Reporting

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D of this permit are submitted. The reports shall contain the information listed in Part II.I.2 of this permit.

K. Inspection and Entry

The permittee shall allow the head of the Department or the Director, or an authorized representative thereof, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. **Sample or monitor at reasonable times, for the purpose of assuring permit compliance, any substances or parameters at any location.**

II. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Montana Water Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance.

B. Penalties for Violations of Permit Conditions

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to civil or criminal penalties not to exceed \$25,000 per day or one year in prison, or both, for the first conviction, and \$50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions. MCA 75-5-611(a) also provides for administrative penalties not to exceed \$10,000 for each day of violation and up to a maximum not to exceed \$100,000 for any related series of violations. Except as provided in permit conditions on Part III.G of this permit, "Bypass of Treatment Facilities" and Part III.H of this permit, "Upset Conditions", nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

- C. Need to Halt or Reduce Activity not a Defense  
It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate  
The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance  
The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.
- F. Removed Substances  
Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard.
- G. Bypass of Treatment Facilities
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.G.2 and III.G.3 of this permit.
  2. Notice:
    - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
    - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I of this permit, "Twenty-four Hour Reporting".

3. Prohibition of bypass:

a. Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass, unless:

- 1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- 3) The permittee submitted notices as required under Part III.G.2 of this permit.

b. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in Part III.G.3.a of this permit.

IV. GENERAL REQUIREMENTS

A. Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or
2. There are any planned substantial changes to the existing sewage sludge management practices of storage and disposal. The permittee shall give the Department notice of any planned changes at least 180 days prior to their implementation.

B. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. Permit Actions

This permit may be revoked, modified and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application must be submitted at least 180 days before the expiration date of this permit.

E. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for revoking, modifying and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information with a narrative explanation of the circumstances of the omission or incorrect submittal and why they weren't supplied earlier.

G. Signatory Requirements

All applications, reports or information submitted to the Department shall be signed and certified.

1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is considered a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Department; and
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility

for environmental matters. (A duly authorized representative may thus be either a named individual or an individual occupying a named position.)

3. Changes to authorization. If an authorization under Part IV.G.2 of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.G.2 of this permit must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

H. Penalties for Falsification of Reports

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. Availability of Reports

All reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and the EPA. Permit applications, permits and effluent data shall not be considered confidential and shall also be available for public inspection.

J. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

K. Property or Water Rights

The issuance of this permit does not convey any property or water rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

L. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. Transfers

This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Department at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;
3. The Department does not notify the existing permittee and the proposed new permittee of an intent to revoke or modify and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part IV.M.2 of this permit; and
4. Required annual and application fees have been paid.

N. Fees

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, the Department may:

1. Impose an additional assessment consisting of 20% of the fee plus interest on the required fee computed at the rate established under 15-31-510(3), MCA, or
2. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments

and interest imposed under this sub-section. Suspensions are limited to one year, after which the permit will be terminated.

O. Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. **Water Quality Standards:** The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
2. **Water Quality Standards are Exceeded:** If it is found that water quality standards or trigger values, excluding mixing zones designated by ARM 17.30.501-518, for parameters included in the permit or others, the department may modify the effluent limits or water management plan.

V. DEFINITIONS

1. **"30-day (and monthly) average"** other than for fecal coliform bacteria, means the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data.
2. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.
3. **"Composite samples"** shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
  - a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
  - b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
  - c. Constant sample volume, time interval between samples proportional to flow (i.e. sample taken every "X" gallons of flow); and,

- d. Continuous collection of sample, with sample collection rate proportional to flow rate.
4. **"Continuous"** means the measurement of effluent flow which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance process changes, or other similar activities.
5. **"Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.
6. **"Daily Maximum Limit"** means the maximum allowable discharge of a pollutant during a calendar day. Expressed as units of mass, the daily discharge is cumulative mass discharged over the course of the day. Expressed as a concentration, it is the arithmetic average of all measurements taken that day.
7. **"Department"** means the Montana Department of Environmental Quality.
8. **"Discharge"** means the injection, deposit, dumping, spilling, leaking, placing, or failing to remove any pollutant so that it or any constituent thereof may enter into state waters, including ground water.
9. **"Grab"** sample means a sample which is taken from a waste stream on a one-time basis without consideration of flow rate of the effluent or without consideration for time.
10. **"Instantaneous"** measurement, for monitoring requirements, means a single reading, observation, or measurement.
11. **"Load Limits"** are mass-based discharge limits expressed in units such as lb/day
12. **"Mixing zone"** means a limited area of a surface water body or aquifer where initial dilution of a discharge takes place and where certain water quality standards may be exceeded.
13. **"Nondegradation"** means the prevention of a significant change in water quality that lowers the quality of high-quality water for one or more parameters. Also, the prohibition of any increase in discharge that exceeds

the limits established under or determined from a permit or approval issued by the Department prior to April 29, 1993.

14. **"Severe property damage"** means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
15. **"TMDL"** means the total maximum daily load limitation of a parameter, representing the estimated assimilative capacity for a water body before other designated uses are adversely affected. Mathematically, it is the sum of wasteload allocations for point sources, load allocations for non-point and natural background sources, and a margin of safety.
16. **"TSS"** means the pollutant parameter total suspended solids.