Permit No.: MTX000157

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.*,

Broadwater Development, LLC

is authorized to discharge from the **Broadwater Estates Subdivision**, located in Section 21, Township 10 North, Range 04 West, Lewis and Clark 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: **June 01, 2012.**

This permit and the authorization to discharge shall expire at midnight, **May 31, 2017.**

FOR THE MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Jenny Chambers, Chief
Water Protection Bureau
Permitting & Compliance Division

Issue Date: **April 03, 2012**

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I. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS & OTHER CONDITIONS

A. Description of Discharge Points and Mixing Zones

The authorization to discharge provided under this permit is limited to the 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.

Outfall	Description
001A	**Location:** Drainfield located at 46° 36' 06" North Latitude and -112° 06' 51" West Longitude; Section 21, Township 10 North, Range 04 West; Lewis and Clark County. **Mixing Zone:** A standard 500 foot ground water mixing zone for the nitrate (as nitrogen) parameter. **Treatment Works:** Individual Trickling Filters.
001B	**Location:** Drainfield located at 46° 36' 13" North Latitude and -112° 06' 30" West Longitude; Section 21, Township 10 North, Range 04 West; Lewis and Clark County. **Mixing Zone:** A standard 500 foot ground water mixing zone for the nitrate (as nitrogen) parameter. **Treatment Works:** Individual Trickling Filters.

B. Effluent Limitations

Upon the effective date of the permit (June 1, 2012) and lasting for three (3) years (May 31, 2015) after the effective date; the quality of effluent discharged shall, as a minimum, meet the interim effluent limitations set forth in Table 1 and Table 2.

Permit Table 1: Interim Effluent Limits – Outfall 001A
Effective on: June 1, 2012
Expires on: May 31, 2015

Parameter Name	Units	Effluent Limitations	
		Daily Maximum(1)	Annual Maximum
Arsenic, dissolved	mg/L	0.030	NA
Total Nitrogen (as N)	mg/L	24	NA
	lbs/day	NA	NA
Total Phosphorus (as P)	lbs/year	NA	276.0

Footnotes:
NA = Not Applicable
(1) Report highest measure daily value for quarterly reporting period on Discharge Monitoring Report (DMR) form.

Permit Table 2: Interim Effluent Limits – Outfall 001B
Effective on: June 1, 2012
Expires on: May 31, 2015

Parameter Name	Units	Effluent Limitations	
		Daily Maximum(1)	Annual Maximum
Arsenic, dissolved	mg/L	0.030	NA
Total Nitrogen (as N)	mg/L	24	NA
	lbs/day	NA	NA
Total Phosphorus (as P)	lbs/year	NA	236.0

Footnotes:
NA = Not Applicable
(1) Report highest measure daily value for quarterly reporting period on Discharge Monitoring Report (DMR) form.

Upon three (3) years after the effective date of the permit (June 1, 2015) and lasting until the term of the permit; the quality of effluent discharged shall, as a minimum, meet the final effluent limitations set forth in Table 3 and Table 4.

Permit Table 3: Final Effluent Limits – Outfall 001A
Effective on: June 1, 2015

Parameter Name	Units	Effluent Limitations	
		Daily Maximum(1)	Annual Maximum
Arsenic, dissolved	mg/L	0.003	NA
Total Nitrogen (as N)	mg/L	24	NA
	lbs/day	NA	NA
Total Phosphorus (as P)	lbs/year	NA	276.0

Footnotes:
NA = Not Applicable
(1) Report highest measure daily value for quarterly reporting period on Discharge Monitoring Report (DMR) form.

Permit Table 4: Final Effluent Limits – Outfall 001B
Effective on: June 1, 2015

Parameter Name	Units	Effluent Limitations	
		Daily Maximum(1)	Annual Maximum
Arsenic, dissolved	mg/L	0.003	NA
Total Nitrogen (as N)	mg/L	24	NA
	lbs/day	NA	NA
Total Phosphorus (as P)	lbs/year	NA	236.0

Footnotes:
NA = Not Applicable
(1) Report highest measure daily value for quarterly reporting period on Discharge Monitoring Report (DMR) form.

The facility shall not discharge any hazardous substances as defined by 40 CFR, Part 116.4.

The introduction of industrial & other wastes is prohibited.

Treatment by-products and waste materials from the potable water treatment, including but not limited to sludge, solids, reject, or back-flush wastewater, shall not be added to any part of the wastewater collection, treatment or disposal

system. In addition, these waste materials must be disposed of in a manner that prevents any portion of these wastes materials, or any precipitation run-off from these waste materials, from entering into state waters. State waters are defined by 75-5-103, MCA.

A potable water treatment system that is associated with the use of additives, chemicals, or similar; including but not limited to sodium hypochlorite, and sulfuric acid, shall not be installed on any part of the wastewater collection, treatment or disposal system.

C. Monitoring and Reporting Requirements

1. Wastewater shall be monitored at the frequency and with the type of measurement indicated. Samples representative of effluent quality will be individually collected from the last point of control: Dose Tank A (EFF-001) and Dose Tank B (EFF-002), located just prior to each respective drainfield. The required sampling frequency is individually listed in Table 5 for each respective parameter (monthly or quarterly). The required sample type is individually listed in Table 5 for each respective parameter. Samples or measurements shall be representative of the volume and nature of the monitored discharge.

2. The permittee will report the daily maximum and the 90-day average for effluent flow rate (gpd), Total Nitrogen (mg/L), Total Nitrogen (lb/d), Nitrite + Nitrate (mg/L), Total Ammonia (mg/L), and Total Kjeldahl Nitrogen (mg/L) parameters.

   The permittee will report the daily maximum and the 30-day average for Dissolved Arsenic (mg/L).

   The permittee will report the annual maximum for Total Phosphorus (lb/yr), the 90-day average for Total Phosphorus (lb/d), and the 90-day average for Total Phosphorus (mg/L) parameters.

   The permittee will report the 90-day average concentration for all additional parameters listed in Table 5.

   For the purpose of calculating load rates, grab samples will represent concentrations over a 24 hour period.

3. The permittee shall report the monitoring data to the Department at the frequency respectively listed in Table 5 for each parameter (monthly, quarterly, or annually). Discharge Monitoring Report Forms (DMRs) will be required, regardless of the operational status of the facility. If no discharge occurs during the entire monitoring period, it shall be stated on the DMR's that no discharge or overflow occurred.

4. The load calculations shall use the daily flow measured during the same 24 hour period that analytical samples are collected. The load (lb/d) shall be calculated using the following equation:

   Load (lb/d) = concentration (mg/L) x flow (gpd) x (8.34×10^{-6}).

5. The annual load (lb/yr) to be reported is the sum of the loads calculated during all required sampling periods occurring within a calendar year. If more than one sample is collected during an individual sampling period, the average value of the samples shall be used to calculate the load for that sampling period.

6. Total Nitrogen (mg/L) sums the NO_3+NO_2 (mg/L), Ammonia (mg/L), and organic nitrogen concentrations.

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

Permit Table 5: Effluent Monitoring and Reporting Requirements – Outfall 001A and Outfall 001B

Parameter	Monitor Location	Units	Sample Type[1]	Minimum Sample Frequency	Reporting Requirements[1][5]	Report Freq
Effluent Flow Rate	Flow Meter	gpd	Grab	Continuous	Maximum Daily Quarterly Average	Quarterly
Total Nitrogen (as N)	EFF-001 EFF-002	mg/L	Grab	1/Quarter	Daily Maximum Quarterly Average	Quarterly
		lbs/day[2]	Calculate	1/Quarter	Daily Maximum Quarterly Average	Quarterly
Total Phosphorus (as P)[4]	EFF-001 EFF-002	mg/L	Grab	1/Quarter	Quarterly Average	Quarterly
		lbs/day[2]	Calculate	1/Quarter	Quarterly Average	
		lbs/year[3]	Calculate	1/Year	Annual Maximum	Annualy
Arsenic, dissolved	EFF-001 EFF-002	mg/L	Grab	1/Month	Daily Maximum Monthly Average	Monthly
Biochemical Oxygen Demand (BOD_5)	EFF-001 EFF-002	mg/L	Grab	1/Quarter	Quarterly Average	Quarterly
Chloride (as Cl)	EFF-001 EFF-002	mg/L	Grab	1/Quarter	Quarterly Average	Quarterly
Nitrite+Nitrate (as N)	EFF-001 EFF-002	mg/L	Grab	1/Quarter	Daily Maximum Quarterly Average	Quarterly
Specific Conductivity @ 25°C	EFF-001 EFF-002	µS/cm	Instan -taneous	1/Quarter	Quarterly Average	Quarterly
Total Ammonia (as N)	EFF-001 EFF-002	mg/L	Grab	1/Quarter	Daily Maximum Quarterly Average	Quarterly
Total Kjeldahl Nitrogen (TKN)	EFF-001 EFF-002	mg/L	Grab	1/Quarter	Daily Maximum Quarterly Average	Quarterly
Total Suspended Solids (TSS)	EFF-001 EFF-002	mg/L	Grab	1/Quarter	Quarterly Average	Quarterly

Footnotes:
EFF-001: Drainfield Dose Tank A
EFF-002: Drainfield Dose Tank B
(1) See definitions in Part V of the permit.
(2) Load calculation: lbs/d = (mg/L) x flow (gpd) x [8.34 x 10^{-6}].
(3) Load calculation: lbs/year = sum of all quarterly loads (lbs/day) for the calendar year.
(4) Annual maximum load shall be reported on an annual basis on the DMR (due January 28 each year of the permit cycle).
(5) Daily Maximum: Report highest measured daily value for the reporting period on Discharge Monitoring Report (DMR) form.

D. Special Conditions - Ground Water Monitoring

1. The permittee shall sample all monitoring wells on a quarterly basis. Each sample shall include, but not be limited to, the respective parameters listed in Table 6 for each associated monitoring well.

2. The permittee will report a daily maximum and a 90-day average for the nitrate+nitrite parameter. The permittee will report a 90-day average for all additional parameters listed in Table 6.

3. Submittal of DMR Forms will be required, regardless of the installation status of each individual monitoring well. If the monitoring well(s) is not installed for an individual monitoring period, the following shall be stated upon each applicable DMR: "monitoring well has not been installed". At no time shall the permittee mark "No Discharge" on the monitoring well DMRs.

4. Monitoring well sampling shall be conducted in accordance with the Departments "Historical Nonpoint Source Water Quality Standard Operating Procedures", Section 11.10 "Groundwater Data Collection" http://deq.mt.gov/wqinfo/monitoring/SOP/sop.mcpx. The permittee shall document the methodology and equipment used to sample monitoring wells during all sampling events. Self monitoring records shall be maintained in accordance with Part II.H of this permit.

Permit Table 6: Ground Water Monitoring and Reporting Requirements for Monitoring Wells MW-1A, MW-3A, MW-1B, MW-2B, MW-3B, MW-4B, MW-5B.

Parameter	Units	Location	Minimum Sampling Frequency	Sample Type(1)	Reporting Requirements	Reporting Frequency
Arsenic, Dissolved	mg/L	MW-5B	1/Quarter	Grab	Quarterly Average	Quarterly
Chloride (as Cl)	mg/L	MW-1B, MW-2B, MW-3B, MW-4B, MW-5B.	1/Quarter	Grab	Quarterly Average	Quarterly
Escherichia coli Bacteria	< 1 Colony Forming Units/100mL	MW-3B, MW-4B, MW-5B.	1/Quarter	Grab	Quarterly Average	Quarterly
Nitrate + Nitrite (as N)	mg/L	MW-1B, MW-2B, MW-5B.	1/Quarter	Grab	Daily Maximum and Quarterly Average	Quarterly
Specific Conductivity @ 25°C	µS/cm	MW-3B, MW-4B, MW-5B.	1/Quarter	Instant-aneous	Quarterly Average	Quarterly
Static Water Level (SWL)(2)	Feet below ground surface	MW-1A, MW-1B, MW-2B, MW-3A, MW-3B, MW-4B, MW-5B.	1/Quarter	Measured	Quarterly Average	Quarterly

Footnotes:
(1) See definitions in Part V of the permit.
(2) Point of reference for SWL measurements shall be from ground surface and measured to within 1/10th of one foot.

E. Special Conditions - Other

1. A plan which addresses installation of the ground water monitoring wells must be completed on or before (November 30, 2012). The plan is to include the location, conceptual design and construction methods for the proposed ground water monitoring wells. A written report must be received by the Department, for approval, due on or before the 28th day of the month (December 28, 2012) following the completion date. Monitoring well

installation cannot commence until confirmation is received from the Department that the plan was approved.

2. A minimum of three (3) monitoring wells shall be installed on or before (May 31, 2015). The monitoring wells shall be constructed in conformance with the Department approved installation plan of Part I.E.1 of this permit.

   A minimum of one (1) monitoring well (MW-2B) will be located at the end of 500 foot standard mixing zone associated with the east drainfield (Outfall 001B). The monitoring well shall be aligned at the centroid location on the downgradient boundary of the mixing zone.

   A minimum of one (1) monitoring well (MW-4B) will be located 50 feet downgradient of the east drainfield (Outfall 001B). The monitoring well shall be aligned directly on the ground water flow direction bearing.

   A minimum of one (1) monitoring well (MW-5B) will be located 100 to 200 feet sidegradient (via ground water flow direction) of the west drainfield (Outfall 001A).

   Starting at the top contact of the first ground water bearing unit, each monitoring well must represent the first 15 feet of the ground water bearing unit. The permittee must precisely document the depth at which the top contact of the ground water bearing unit was encountered at the time of drilling.

   To prevent accessibility issues, the permittee must install all monitoring wells upon property owned by the permittee, or property that the permittee has an easement which provides for long term accessibility.

   A written report documenting monitoring well installation must be received by the Department, due on or before (June 28, 2015) which documents the results of the monitoring well installation. For each of the newly installed monitoring wells, the report must include the final location of the monitoring well, drilling methods used, borehole lithologic log, well construction details, and depth to the top contact of the first ground water bearing unit. This information must be included for each respective monitoring well.

   Ground water quality monitoring will begin upon installation of each monitoring well and continue though the duration of the permit. The permittee will report all sampling analytical data within DMR reports.

3. Each individual (or combined lot) must install, operate and maintain a septic tank and an individual trickling filter (Eliminite Biological Nutrient Removal System).

4. The adsorptive arsenic removal system must be installed on or before (May 31, 2015). The system must be constructed in conformance with the designs and plans equal or greater than those submitted within application materials. The system must conform with or require less additives and supplements than those reported within application materials. The written report must be received by the Department, due on or before (June 28, 2015), which documents the results and type of system installation.

Permit Table 7: Compliance Schedule

Authority	Action	Freq.	Permit Section	Scheduled Completion Date of Action[1]	Scheduled Report Due Date.[2]
ARM 17.30.1031	Complete a plan for installation of monitoring wells.	Single event	Part I.E.1.	November 30, 2012	December 28, 2012
ARM 17.30.1031	Install monitoring wells.[3]	Single event	Part I.E.2.	May 31, 2015	June 28, 2015
ARM 17.30.1031	Install adsorptive arsenic removal system.	Single event	Part I.E.4.	May 31, 2015	June 28, 2015

Footnotes:

(1) The actions must be completed on or before the scheduled completion dates.

(2) Reports must be received by the Department on or before the scheduled report due dates. The reports must include all information as required for each applicable action as listed in Part I.E.

(3) The written report documenting monitoring well installation, must include final location, drilling methods used, borehole lithologic log, well construction details, and the depth to the top contact of the first ground water bearing zone. This information must be included for each respective monitoring well.

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 MGWPCS 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");

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.

III. 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", 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 as follows:

   a. For a corporation: by a responsible corporate officer:

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

   c. For a municipality, State, Federal, or other public agency: 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 that $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 additional fee assessment(s) computed at the rates established under ARM 17.30.201; and

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. **"Annual Average Load"** means the arithmetic mean of all 30-day or monthly average loads reported during the calendar year for a monitored parameter.

3. **"Annual Maximum Limit"** means the maximum allowable discharge of a pollutant during a calendar year.

4. **"BOD5"** means the five-day measure of pollutant parameter biochemical oxygen demand.

5. **"Bypass"** means the intentional diversion of waste streams from any portion of a treatment facility.

6. **"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.

7. "**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.

8. **"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.

9. **"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.

10. **"Department"** means the Montana Department of Environmental Quality.

11. **"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.

12. **"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.

13. **"Instantaneous"** measurement, for monitoring requirements, means a single reading, observation, or measurement.

14. "**Load Limits**" are mass-based discharge limits expressed in units such as lb/day

15. **"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.

16. **"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.

17. **"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.

18. **"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.

19. **"TSS"** means the pollutant parameter total suspended solids.