MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

CONCENTRATED AQUATIC ANIMAL PRODUCTION GENERAL PERMIT

AUTHORIZATION TO DISCHARGE UNDER THE

MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Montana Water Quality Act, Title 75, Chapter 5**,** Montana Code Annotated (MCA), and the Federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. 1251 et. seq., applicants issued an authorization letter for this Concentrated Aquatic Animal Production (CAAP) General Permit, are permitted to discharge wastewater effluent from fish farms and hatcheries to state waters in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

A written authorization letter from the Department is required before an applicant is authorized to discharge under the CAAP General Permit.

This permit shall become effective: **July 1, 2016**.

This permit and the authorization to discharge shall expire at midnight: **June 30, 2021**.

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY

_____
Jon Kenning, Chief
Water Protection Bureau

Issuance Date: _____

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I. ELIGIBILITY AND APPLICATION PROCESSES

A. Sources Eligible for Coverage

This Concentration Aquatic Animal Production (CAAP) General Permit applies to all areas of the State of Montana, except for Indian Lands.

This CAAP General Permit applies to hatcheries, fish farms, or facilities classified under Standard Industrial Classification (SIC) Codes 0273 or 0921 (Office of Management and Budget SIC Manual, 1987) or other facilities that meet the following criteria:

1. facilities that contain, grow, or hold cold water fish species or other cold water aquatic animals in ponds, raceways, or other similar structures which discharge at least 30 days per year, and produce 20,000 pounds or more harvest weight of aquatic animals per year or feed 5,000 pounds or more of food during the calendar month of maximum feeding;
2. facilities other than closed ponds which discharge only during periods of excess runoff, that contain, grow, or hold warm water fish species or other warm water aquatic animals in ponds, raceways, or other similar structures, which discharge at least 30 days per year, and produce 100,000 pounds or more harvest weight of aquatic animals per year; or
3. cold water or warm water facilities that the Department of Environmental Quality (DEQ) designates as Concentrated Aquatic Animal Production facilities as specified in ARM 17.30.1331(3).

B. Sources Excluded from Coverage

The following sources are excluded from coverage under this CAAP General Permit:

1. The discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the CAAP General Permit.

2. The discharge to be authorized under a general MPDES permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, *et seq*., MCA.

3. The point source will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.

C. Maintain Permit Coverage under the 2011 CAAP General Permit

All existing facilities with effective coverage under the 2011 CAAP General Permit are eligible for coverage under the renewed permit unless they are excluded according to the rules in Section I.B of this permit. Eligible facilities seeking continued coverage must

submit a complete application package at least 30 days prior to the expiration of the 2011 CAAP General Permit for review and approval. A complete application package for renewal consists of:

a) Concentrated Aquatic Animal Production Notice of Intent (NOI-13) Form; and
b) Applicable Fees as required under ARM 17.30.201 Schedule I.B.

Once a complete application package is received and reviewed, the Department will make a determination whether to reissue an authorization letter for coverage under this permit or deny coverage. The facility is authorized to discharge upon receiving the authorization letter, which must be accompanied by a copy of the CAAP General Permit to be considered valid.

D. Obtain Permit Coverage under the 2016-Issued CAAP General Permit

New dischargers seeking to obtain coverage to discharge under the CAAP General Permit must submit a complete application package at least 90 days prior to commencing operation, including:

a) Concentrated Aquatic Animal Production Notice of Intent (NOI-13) Form;
b) Applicable Fees as required under ARM 17.30.201 Schedule I.B.

The Department will review the application and determine whether to deny coverage or issue an authorization letter to the owner or operator of the CAAP facility after receiving a complete application package. The facility is authorized to discharge upon receiving the authorization letter, which must be accompanied by a copy of the CAAP General Permit to be considered valid. If the facility does not meet the requirements of the CAAP General Permit and the coverage is denied, the Department will process the application package as an MDPES individual permit once applicable fees for an individual permit are received, unless the applicant modifies the proposed discharge to meet the requirements of the CAAP General Permit, or withdraws the application. If the applicant withdraws the application, they must reapply with a full application package and applicable fees should coverage under the General Permit be sought in the future.

E. Terminate Permit Coverage

Permit coverage remains in effect until the expiration date of this CAAP General Permit or the Department receives notice from the permittee that the point source discharge has been eliminated. To terminate the coverage, the permittee must submit a complete Notice of Termination (NOT) Form to the Department indicating the CAAP discharge activity has ceased and will not continue in the future. The NOT must be signed and certified in accordance with ARM 17.30.1323 and all applicable fees must be paid.

F. Transfer Permit Coverage

The owner or operator of a facility covered under this permit may request to transfer coverage under the permit to a new owner or operator. To transfer permit coverage, the permittee must submit a complete Permit Transfer Notification (PTN) Form to the Department at least 30 days prior to the effective date of the proposed transfer. The PTN constitutes written notice to the Department under the Montana Water Quality Act that the new owner or operator assumes responsibility and liability for all the terms and conditions in the permit, including permit fees. The PTN form may not be used to transfer permit coverage to a new or different site location or to modify the terms and conditions of the permit.

II. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS, & OTHER CONDITIONS

A. Specific Effluent Limitations

Effective immediately upon issuance of an authorization under this general permit and lasting for the duration of the permit, the following effluent limitations apply to all fish farm facilities covered by this general permit.

1. All facilities must develop and implement a Best Management Practices (BMP) plan to minimize the discharge of hatchery wastes to state waters. The plan shall be developed and submitted to the Department, postmarked within 90 days of the date on the authorization letter. Thereafter the plan shall be updated annually and a copy, dated and signed by the facility manager, shall be kept onsite and be available for inspection. The plan must include the minimum requirements described in Part I.C.

2. Drug and chemical use shall be limited to those approved by the Food and Drug Administration for use in aquaculture in accordance with label requirements. Pesticides must be registered for use in Montana by the Montana Department of Agriculture. Any extra-label use of approved drugs and chemicals or use of unapproved drugs and chemicals will require case-by-case approval by the Department prior to the discharge to state waters. All drug and chemical use shall be documented in the annual BMP plan.

3. Any additional, site-specific requirements specified in the authorization letter.

B. Self-Monitoring Requirements

Upon the effective date of this permit, the constituents in 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.

TSS monitoring shall be conducted semi-annually during the month of maximum feeding in each monitoring period. Monitoring for other parameters requiring collection of composite samples shall be at the frequency and times shown in Table 1. Samples shall be composite samples composed of aliquots collected from each discharge point. All samples must be collected on a day that cleaning occurs. Composite samples may be collected using automated sampling devices or may be collected as a collection of grab samples from each discharge location at the hatchery and should be collected using the following definition:

“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.

At least one set of sample aliquots must be collected during cleaning operations and shall include samples collected from the overflow of any settling basin or other treatment unit that discharges to state waters. The overflow samples must be collected while cleaning wastes are being discharged to the settling basin or treatment unit. If all discharges from raceways or other rearing units are directed to a settling basin or treatment unit during cleaning operations, the only cleaning sample shall be collected from the treatment unit overflow. All sample aliquots shall be combined into one common sample for analysis.

Because discharge configurations are unique at each facility, the sampling procedure used to address the requirements above must be described in the BMP plan for the facility.

Table 1. Monitoring Requirements

Parameter	Units	Location	Minimum Sample Frequency	Type[1]	Reporting Requirement	Reporting Frequency	Required Reporting Value
Flow Rate	gpm	[2]	Monthly	Calculated[3]	Average daily & Max Monthly Avg.	Semi-annual	NA
Fish Food Fed	lb/day	NA	Daily	Measured	Average daily & Max daily	Semi-annual	NA
Fish Food Fed [4]	lb/month	NA	Monthly	Calculated	6 Month Average	Semi-annual	NA
Total Suspended Solids	mg/L	Effluent	Semi-Annual	Composite	Single Sample	Semi-annual	1 mg/L
Nitrite plus Nitrate	mg/L	Effluent	Monthly[5]	Composite	Minimum, Maximum, & Average	Semi-annual	0.02 mg/L
		Influent[7]		Grab			
		Upstream[6]		Grab			
		Downstream[7]		Grab			
Nitrite plus Nitrate	lb/day	Net Effluent [7, 8]	Monthly[5]	Calculated	Minimum, Maximum, & Average	Semi-annual	NA
Total Kjeldahl Nitrogen	mg/L	Effluent	Monthly[5]	Composite	Minimum, Maximum, & Average	Semi-annual	0.225 mg/L
		Upstream[6]		Grab			
Total Nitrogen	mg/L	Effluent	Monthly[5]	Calculated	Minimum, Maximum, & Average	Semi-annual	0.070 mg/L
		Upstream[6]					
Total Phosphorus	mg/L	Effluent	Monthly[5]	Composite	Minimum, Maximum, & Average	Semi-annual	0.003 mg/L
		Upstream[6]		Grab			
Dissolved Aluminum [9]	mg/L	Effluent	Semi-Annual	Grab	Single Sample	Semi-annual	0.009 mg/L

(1) See the definitions in Part I.A. of the permit.
(2) Flow rate may be established via either influent or effluent flow and shall be reported as effluent on the DMR.
(3) Flow rate may be measured via instantaneous reading of flow meters or weirs, or may be a calculated sum of instantaneous observations.
(4) Washoe Park Trout Hatchery only, MTG130013.
(5) July through September only. Report minimum, maximum, and average on December DMR.
(6) Upstream sample must be collected in the receiving water in a location upstream of, and uninfluenced by, all facility discharges.
(7) Bozeman Fish Tech Center only, MTG130006.
(8) Effluent load at main discharge point minus influent (source water) load.
(9) Creston National Fish Hatchery only, MTG130007

All monitoring shall be reported semi-annually. Monitoring results must be reported within a Discharge Monitoring Report (DMR) and must be submitted electronically

(NetDMR web-based application) no later than the 28th day of the month following the end of the monitoring period.

C. Best Management Practices Plan

The BMP plan shall be developed and implemented as described in Part I.A. The plan shall include, at a minimum, the following:

1. A written plan for the efficient feeding of fish in the facility that will maximize feed conversion and minimize the amount of metabolic wastes and uneaten food produced, and still allow the achievement of production goals. This plan could include, but is not limited to, the following: projected annual production, feeding methods that will be used, appropriate record-keeping of feed consumption, feed storage and handling methods, and any other means employed to minimize waste solids.

2. A description and schedule of cleaning and maintenance activities that will minimize the amount of waste discharged at any one time. This must include, at a minimum, the weekly cleaning of raceways, unless otherwise approved for a specific fish species' rearing requirements in an approved BMP plan. Records of raceway cleaning must be maintained on site.

3. A description, including dosage rates, total quantity used, and calculated concentrations, of all drugs and chemicals that will be used routinely in hatchery operations.

4. A description of the sample collection method used for DMR reporting. This description should include sampling location(s), method for determining proper flow-weighted proportions of sample aliquots, and methods for preserving and shipping analytical samples to an off-site laboratory when an off-site laboratory is used.

Facilities that produce 20,000 pounds or more of fish per year shall be subject to the following requirements and prohibitions:

5. As part of the BMP plan each facility shall record and maintain on site records of the total pounds of food fed for the previous calendar year, the total weight gain of all fish in the facility the previous calendar year, and the corresponding feed conversion ratio (FCR). FCRs may be calculated for individual lots of fish, providing all fish produced are accounted for.

6. Sweeping accumulated solids from raceways or ponds to state waters without treatment is prohibited.

7. Practices such as the removal of dam boards or standpipes in raceways or ponds, which allow accumulated solids to discharge to state waters without treatment, are prohibited.

8. The BMP plan must include a description of the methods for cleaning accumulated wastes from settling basins of other treatment units. The plan must also address the disposal of the wastes in such a manner that they will not reach state waters.

Facilities that produce 100,000 pounds, or more, of fish per year are also subject to the specific federal ELG limits of 40 CFR 451 as follows:

(a) Solids control. The permittee must:

1. Employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges of uneaten feed and waste products to water of the U.S.
2. In order to minimize the discharge of accumulated solids from settling ponds and basins and production systems, identify and implement procedures for routine cleaning of rearing units and off-line settling basins, and procedures to minimize any discharge of accumulated solids during the inventorying, grading, and harvesting of aquatic animals in the production system.
3. Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to state waters, except in cases where the permitting authority authorizes such discharge in order to benefit the aquatic environment.

(b) Materials storage. The permittee must:

1. Ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides, or feed to state waters.
2. Implement procedures for properly containing, cleaning and disposing of any spilled material.

(c) Structural maintenance. The permittee must:

1. Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.
2. Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.

(d) Recordkeeping. The permittee must:

1. In order to calculate representative feed conversion ratios, maintain records for aquatic animal rearing units documenting the feed amounts and estimates of the numbers and weight of aquatic animals.
2. Keep records documenting the frequency of cleaning, inspections, maintenance and repairs.

(e) Training

1. In order to ensure the proper clean-up and disposal of spilled material adequately train all relevant facility personnel in spill prevention and how to respond in the event of a spill.
2. Train staff on the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment.

III. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Reporting Requirements

Monitoring results must be reported within a Discharge Monitoring Report (DMR). Monitoring results must be submitted electronically (NetDMR web-based application) no later than the 28th day of the month following the end of the monitoring period. If no discharge occurs during the entire reporting period, "No Discharge" must be reported within the respective DMR. All other reports must be signed and certified in accordance with Part V.G 'Signatory Requirements' of this permit and submitted to DEQ at the following address:

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

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.

C. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit the results of such monitoring shall be included in the DMR form. Such increased frequency shall be indicated.

D. Record Retention

All records and information resulting from the monitoring activities required by this permit shall be retained for a minimum of three (3) years, or longer if requested by the Department.

E. Noncompliance Notification

If for any reason, the permittee does not comply with or will be unable to comply with any effluent limitation specified in this permit, the permittee shall notify as soon as possible by phone and provide the Department with the following information, in writing, within five (5) days of becoming aware of such condition:

1. A description of the discharge and cause of noncompliance; and

2. The period of noncompliance including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non-complying discharge.

F. Inspection and Entry

The permittee shall allow the head of the Department or the Regional Administrator, or an authorized representative, 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.

IV. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the 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 of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine of not more than $50,000 per day of violation, or by imprisonment for not more than 2 years, or both. 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. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

F. Changes in Discharge of Toxic Substances

Notification shall be provided to the Department as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

   a. One hundred micrograms per liter (100 μg/*l*);

b. Two hundred micrograms per liter (200 μg/*l*) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/*l*) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/*l*) for antimony;

c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,

d. The level established by the Department in accordance with 40 CFR 122.44(f).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. Five hundred micrograms per liter (500 μg/*l*);

b. One milligram per liter (1 mg/*l*) for antimony:

c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or,

d. The level established by the Department in accordance with 40 CFR 122.44(f).

V. 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 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.

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 modified, revoked 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 the authorization to discharge, the permittee must submit an NOI as specified in Part I.C 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 modifying, revoking 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.

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 specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any 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

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by the Clean Water Act, permit applications, permits and effluent data shall not be considered confidential.

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 Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

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

Authorization to discharge under this permit may be transferred to a new permittee by following the procedure described in Part I.F of this permit.

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 payment, the Department may:

1. Impose an additional assessment consisting of 15% 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, license or other authorization for which the fee is required. The Department may lift the 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 subsection.

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. TMDL or Wasteload Allocation: TMDL requirements or a wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.

3. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

4. Toxic Pollutants: A toxic standard or prohibition is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.

VI. DEFINITIONS

1. "**Department**" means the Montana Department of Environmental Quality (MDEQ).

2. **"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.

3. A "**grab**" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

4. An "**instantaneous**" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.

5. A "**mixing zone**" means a limited area of a surface water body or aquifer where initial dilution of a discharge takes place and where water quality changes may occur. Also recognized as an area where certain water quality standards may be exceeded.

6. "**Non-degradation**" 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.

7. The term "**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.

8. The **"receiving stream"** means the river, stream, or creek, which receives the wastewater discharge from the facility.