

**Montana Pollutant Discharge Elimination System (MPDES)
Fact Sheet**

Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity

PERMITTEES: Various

MPDES Permit Number: MTR000000

I. Status of Permit

Montana Pollutant Discharge Elimination System (MPDES) permit number MTR000000 is an ongoing *General Permit for Storm Water Discharges Associated with Industrial Activity* (General Permit) which is required by Administrative Rules of Montana (ARM) 17.30.1341(6) to have a fixed term not to exceed five years. Consequently, MTR000000 was originally issued on October 8, 1992, reissued on October 26, 1994, reissued on October 1, 2001, and reissued on October 12, 2006 and will expire on September 30, 2011. This year it is now due to be reissued for the 2011-2016 permit cycle.

During this renewal cycle for MTR000000, the Department is proposing to merge this General Permit with MPDES permit number MTR300000, historically called the *General Permit for Storm Water Discharges Associated with Mining and with Oil and Gas Activities*. MTR300000 was originally issued on May 18, 1992, reissued on September 1, 1997, reissued November 17, 2002, and reissued January 1, 2008 which will expire on December 31, 2012. By this MTR300000 expiration date, existing permittees under MTR300000 will be brought under permit coverage using MTR000000. After the effective date of the reissued MTR000000, no new authorizations will be issued under MTR300000 and new facility/activity storm water discharges will be covered under MTR000000 instead. The reissued MTR000000 will be formally called the *Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (MSGP)*.

The goal of revisions and improvements within this next-generation reissued General Permit is to improve permitting/compliance effectiveness with respect to effluent limitations, monitoring, inspections, recordkeeping, overall coordination of requirements, and overall customization of requirements for highly diverse industrial sector groups. This reissued General Permit has been revised to include more recent and contemporary requirements, as many requirements in previous versions of MTR000000 go back to the beginning of the storm water program and included permit language and requirements originally developed in the 1990s.

Based on ARM 17.30.1110(4), renewal applications are required to be submitted to the Department no later than 30 days prior to the September 30, 2011 expiration

date of MTR000000. Consequently, to provide continued permit coverage to existing permittees based on ARM 17.30.1313, in 2011 renewal applications were processed through the submittal of the historically-utilized "SW-1" application form and renewal fee based on ARM 17.30.201. For future new submittals (not renewals) after the effective date of the reissued MTR000000, and for all those renewing and transferring permit coverage during 2012 from the expiring MTR300000, the Department will be utilizing a "Notice of Intent" (NOI) process instead of the historical "application" process. Additionally, as the MSGP is bringing in the NOI process instead of utilizing the historical SW-1 application form, existing permittees will also be required to submit an NOI prior to the effective date of the MSGP in order to get renewed permit coverage under the MSGP.

Using the NOI system, an owner or operator seeking new permit coverage under the General Permit will be required to submit a complete "NOI Package". An NOI Package consists of a NOI Form, a SWPPP, and the required fee. The NOI notifies the Department of the owner or operator's intent to have eligible storm water discharges covered under the General Permit. In accordance with ARM 17.30.1341(4), the Department will issue a Confirmation of Receipt letter or notify the "owner or operator" that the source does not qualify for coverage under the General Permit within 30 days of receipt of a NOI Package.

With respect to the Montana Environmental Policy Act (MEPA) and related requirements in Part 1.2.1.2. of the permit, the Department has developed a Programmatic Review / Environmental Assessment. The Department will provide an opportunity for public comment on the draft General Permit and draft Programmatic Review / Environmental Assessment in accordance with ARM 17.30.1373.

II. Description of Discharge and Discharging Facilities

"Storm water" is formally defined in ARM 17.30.1102(27). This General Permit will regulate storm water discharges (runoff due to rainfall and snowmelt) from certain defined facilities and activities which may contain pollutants, in an effort to help protect receiving state surface waters. This General Permit is applicable within the State of Montana, excluding Indian Reservations.

In federal rule, the definition of "storm water discharge associated with industrial activity" includes mining and oil and gas activities. In Montana, ARM 17.30.1102(30) provides a separate definition from that for "storm water discharge associated with industrial activity" found in ARM 17.30.1102(29). However, ARM 17.30.1102(30) refers back to ARM 17.30.1102(29) for some similar requirements which are common to both definitions. The mining/oil and gas component was broken out into a separate definition from other industrial activities, and two different MPDES General Permits were developed. This reissued MSGP is applicable to both ARM 17.30.1102(29) and (30).

Except as described in the next paragraph and in ARM 17.30.1102(29)(b), based on ARM 17.30.1102(29)(a), for most regulated industrial, mining, and oil and gas activities under the formal rule definition, the definition also includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined in ARM 17.30.1102(20)); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

ARM 17.30.1102(30) is similar to ARM 17.30.1102(29) except it pertains to mining and oil and gas activities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of such operations. In general, such facilities include active and inactive mining operations, with a few exceptions as stated in ARM 17.30.1102(30). "Inactive mining operations" are also defined in ARM 17.30.1102(30).

Despite two rule definitions of storm water encompassed by this permit in the MSGP and Fact Sheet, the term "industry" or "industrial" is generally used to represent all such potential storm water discharges subject to federal/state regulation, including those for mining and oil and gas.

The preceding paragraphs summarize which storm water discharge areas are subject to (eligible) for permit coverage under this General Permit. However, some specific types of industrial and/or mining facilities have identified storm water discharge areas which are subject to federal Effluent Limitation Guidelines (ELGs).

Discharges subject to federal ELGs as adopted by the Montana Board of Environmental Review in ARM Title 17, Chapter 30, Subchapter 12 are not eligible for coverage under the MSGP and must obtain coverage under a separate Individual MPDES permit.

The "owner or operator" must refer to pertinent federal 40 CFR regulations to determine which storm water discharges are eligible for permit coverage under the General Permit, and which storm water discharges are subject to federal ELGs and would be permitted under a separate Individual MPDES permit. If storm water discharges from only certain portions of the site are eligible for coverage under this permit, in order to minimize duplication of effort and expense, and to avoid

potential confusion and problems related to the applicability and differentiation of storm water requirements at a particular site with two permits instead of one, permittees are encouraged to consider the option of covering all site storm water discharges under the same MPDES Individual Permit.

Based on the aforementioned areas at industrial, mining, and oil and gas activity sites, typical storm water effluent discharges may contain pollutants which pose a threat to receiving surface waters. In general, historical studies and monitoring data, such as those from the Nationwide Urban Runoff Program (NURP) in the 1970s and 1980s, have indicated storm water runoff from these types of facilities may carry higher than normal annual loadings of total suspended solids (TSS), chemical oxygen demand (COD), metals, oil & grease, nutrients, and other organic chemicals/compounds. Parameters and pollutant concentrations may vary considerably with respect to industrial activity type, storm events, and location. For mining sites, TSS and metals are of most concern.

Pursuant to 75-5-605(2) Montana Code Annotated (MCA) of the Montana Water Quality Act (MWQA), the discharge of wastes to state waters without a current permit from the Department is prohibited. Sediment and other materials are defined as "other wastes" in 75-5-103(23) MCA. "Pollutants" are defined in ARM 17.30.1102(19). "Discharge of a pollutant", as defined in ARM 17.30.1102(2), results when pollutants come into contact with storm water discharges from the industrial activity site. "Point source" is defined under ARM 17.30.1102(18). ARM 17.30.1105 requires point source discharges of storm water associated with industrial, mining, and oil and gas activity to obtain MPDES permit coverage.

Pursuant to ARM 17.30.1116, discharges composed entirely of storm water are not regulated as discharges associated with industrial, mining, and oil and gas activity if there is no exposure of industrial materials and activities to storm water, and the discharger satisfies the conditions of this Industrial No-Exposure Certification rule (ARM 17.30.1116). Consequently, permit coverage for storm water discharges normally regulated under the General Permit would not be necessary and owners/operators would submit a complete "Industrial No Exposure Certification Form" to the Department using the Department's standard form. This potential option for those who are eligible is briefly mentioned in Part 1.5. of the General Permit.

III. Coverage

Pursuant to 75-5-402, MCA and requirements found in ARM, Title 17, Chapter 30, Subchapter 11, the Department regulates storm water discharges associated with industrial, mining, and oil and gas activities (ARM 17.30.1105(1)(b) and (c)). Additionally, point source discharges could require MPDES permit coverage under ARM 17.30.1105(e) and/or (f) if the Department determines that: storm water controls are needed based on wasteload allocations that are part an

approved Total Maximum Daily Loads (TMDLs) that address the pollutants of concern; or, if the Department determines the discharge is contributing to a violation of a water quality standard or is a significant contributor of pollutants to surface waters.

The following conditions must be met to qualify for coverage of storm water discharges under the General Permit through the submittal of a Notice of Intent:

- A. The facility must have “storm water discharge associated with industrial activity” or “storm water discharge associated with mining and oil and gas activity” as defined in ARM 17.30.1102 (29) and (30). These definitions typically include specified industrial activities based on the primary Standard Industrial Classification (SIC) code as listed in the federal “1987 Standard Industrial Classification Manual” (or the type of industrial activity in the absence of a identified SIC code). These SIC codes and/or types of industrial activities to be covered under the General Permit are listed in Appendix A to the General Permit.
- B. A discharge of storm water occurs from a facility or activity to surface waters or a drainage system which carries storm water to surface waters.
- C. The storm water discharge consists of runoff only from precipitation events, either rainfall or snowmelt, and is not mixed with process wastewater. Certain allowable non-storm water discharges are accommodated in Part 1.1.3. of the General Permit.

IV. Receiving Waters and Applicable Standards

Storm water discharges associated with industrial, mining, and oil and gas activity regulated by this permit include discharges of storm waters to state “surface waters”, as defined in ARM 17.30.1102(32). Intermittent and ephemeral watercourses and drainages are state surface waters in accordance with 75-5-103(33), MCA.

The MWQA requires that permits issued pursuant to Title 17, Chapter 30, and Subchapters 11 and 13 comply with the Montana surface water quality standards, (Subchapter 6). Based on Montana surface water quality standards, the degree of waste treatment required will be to prevent increases “above naturally occurring concentrations of sediment, or suspended sediment, settleable solids, oils, or floating solids, which or are likely to create a nuisance or render the waters harmful, detrimental, or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish, or other wildlife” (ARM 17.30.621 through 629). ARM 17.30.637 requires that no wastes may be discharged which violates any water quality standard.

New or increased sources (ARM 17.30.702(16)), must comply with Montana's Nondegradation Policy [75-5-303 MCA], and rules (ARM 17.30.701 *et. seq.*). Nondegradation requirements are discussed in Part IX of this Fact Sheet.

V. Proposed Effluent Limitations and Conditions

Section 402 of the MWQA authorizes the Department to regulate the discharges of sewage, industrial and other wastes into state surface waters. Pursuant to ARM 17.30.1201, the Montana Board of Environmental Review is required to establish effluent limitations, treatment standards, and other requirements for point sources discharging wastes to state waters. The Montana Board of Environmental Review has not adopted minimum treatment requirements for storm water discharges associated with industrial activity. The discharge of sewage or industrial wastes is prohibited in the General Permit.

Through the adoption of the MPDES, the Department may issue, suspend, revoke, modify, or deny permits to discharge wastes to the waters of the state. For the purposes of this permit, discharges of sewage or industrial wastes are excluded. This permit is exclusive to other wastes as defined under 75-5-103(23) MCA, resulting from regulated activities, and receive, at a minimum, treatment to restore and maintain the quality of surface waters, ARM 17.30.635(1), 75-5-305 MCA.

A. Technology-Based Effluent Limits (TBELs)

As stated in the MWQA it is not necessary that wastes be treated to conditions purer than the receiving waters as long as minimum treatment requirements have been set [75-5-306 MCA]. As the effluent characteristics of storm water runoff pertain to a wide-variety of industrial activity types and sites can be highly variable and unpredictable, ARM 17.30.1345(1) and 17.30.1344 provide for the use of "Control Measures" (including Best Management Practices (BMPs)) where numerical effluent limitations are infeasible. The Department has concluded that the most prudent, reasonable land, soil and water conservation practices to protect surface waters of the state will be achieved through the development and implementation of such Control Measures.

TBELs in this permit are Control Measures developed using "Best Professional Judgment" (BPJ) which reduce and/or eliminate pollutant discharges in storm water. These effluent limits correspond to required levels of technology-based control including "Best Practicable technology" (BPT), "Best Achievable Technology" (BAT), and "Best Conventional Treatment Technology" (BCT) for industrial storm water discharges. Owners or operators need to consider what Control Measures are considered "best" for their industry, and select and implement them for their particular site.

Requirements and/or considerations for developing and implementing such Control Measures are stated in Part 2.1. and the TBEL Control Measure requirements which are typically common and necessary for all industrial, mining, and oil and gas activities are stated in Part 2.2. TBELs for particular industrial sectors, based on facility type, are stated in Part 3.4. Additionally, further description of particular Control Measures at the facility is required to be compiled and implemented through the use of the SWPPP required in Part 3.1. of the permit (see Part 3.1.5.). The SWPPP is defined in ARM 17.30.1102(31). SWPPP submittal is a required component of the NOI Package pursuant to ARM 17.30.1110(7). This SWPPP identifies site characteristics, potential pollutants, and various structural and non-structural BMPs to minimize or prevent pollutants from entering storm water runoff and/or receiving surface waters. Development and implementation of a SWPPP is critical to MPDES storm water discharge permitting. To optimize updating this reissued General Permit (particularly TBEL requirements found in Part 2 and SWPPP and industrial sector-specific requirements found in Part 3), and to capitalize on the wealth of experience and pertinent guidance available from the federal EPA, the Department consulted and utilized the EPA's *Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity* (and the associated Fact Sheet), effective September 29, 2008 (as modified effective May 27, 2009).

B. Water Quality Based Effluent Limits

It is the Department's position that Montana's surface water quality standards can be maintained through compliance with the various requirements in this permit. This includes not only the Control Measures and BMPs contained within the permit and SWPPP, but other corrective action, inspection, monitoring, and reporting/recordkeeping requirements. In particular, this permit contains mechanisms which allow for an iterative approach to BMP implementation whereby BMP effectiveness is tracked and improvements are made as necessary. The BMPs help minimize or eliminate the generation or migration of pollutants to surface waters. In addition, permittees will be prohibited from discharging process wastewater under this General Permit, and there are only certain allowed non-storm water discharges under this permit.

This General Permit does not authorize storm water discharges that the Department determines will cause, or have a reasonable potential to cause or contribute to, a violation of applicable water quality standards. If such is the case, the Department may notify an "owner or operator" that MPDES permit coverage is necessary under an Individual Permit instead of under this General Permit. Furthermore, requirements are incorporated into the General Permit in Part 3.2. to address listed impaired waterbodies

and their pollutants of concern, with or without approved Total Maximum Daily Loads (TMDLs), under Section 303(d) of the Clean Water Act.

More specifically, depending on whether the storm water discharges into a listed impaired receiving surface water(s), the permittee's SWPPP may need to include a section describing how the SWPPP will control discharges of pollutants of concern (for which the listed waterbody is impaired) and ensure storm water discharges will not cause or contribute to instream exceedances of water quality standards. This SWPPP must specifically identify Control Measures and BMPs that will collectively control the discharges of pollutants of concern. Also, if a TMDL has been approved for any waterbody into which the permittee discharges storm water, and the TMDL considered and addressed MPDES-regulated storm water discharges, then the Waste Load Allocation (WLA), as applicable, must be incorporated into the permit as required by 75-5-703, MCA. Information on listed impaired waterbodies may be obtained from the Department's "Clean Water Act Information Center" website.

C. Corrective Action

Permittees are required to review and revise the selection, design, installation, and implementation of their control measures in response to any of the following conditions:

- an unauthorized release or discharge occurs at the facility;
- the permittee becomes aware, or the Department determines, that control measures are not stringent enough for the discharge to meet applicable water quality standards;
- an inspection or evaluation of your facility by a Department representative determines that modifications are necessary to meet the non-numeric effluent limits in the permit; or
- a routine facility inspection, significant storm event inspection, or comprehensive site inspection finds that control measures are not being properly operated and maintained.

The corrective action must ensure that any of the above conditions are eliminated and will not be repeated in the future.

Permittees are required to review the selection, design, installation, and implementation of their control measures to determine if modifications are necessary to meet effluent limits if any of the following conditions occur:

- construction or a change in design, operation or maintenance at the permittee's facility significantly changes the nature of pollutants

discharged in stormwater from the facility, or increases the quantity of pollutants discharged; or

- the average of the four most recent quarterly sampling results exceeds an applicable benchmark.

The permit includes specific deadlines for permittees to take corrective actions, and requires a Corrective Action Report. In a Corrective Action Report, permittees must document basic information describing the event and the permittees' response to that event. As described elsewhere in the permit, permittees are required to maintain a copy of this documentation with their SWPPP as well as submit this information in an annual report.

D. Special Conditions

Storm Water Pollution Prevention Plan Requirements

A "Storm Water Pollution Prevention Plan" is defined in ARM 17.30.1102(31) and in Part 5 of the MSGP. The SWPPP must be developed for each facility or activity covered by this permit based on ARM 17.30.1110(5) & (7), and ARM 17.30.1341(9)(a). SWPPPs are intended to be maintained such that they are updated and adjusted to reflect current conditions, activities, and storm water issues at the site. Periodic evaluation and ongoing improvements to the Control Measures and BMPs at the site will only improve the quality of storm water runoff.

Historically, the Department's past versions of this permit have included a narrative effluent limitation which referred to development and implementation of a SWPPP. In this permit, the extent of narrative effluent limitations and consequent use of the SWPPP have been improved and clarified.

Distinct from the effluent limitation provisions in the permit, Part 3.1. of the permit requires the discharger to prepare a SWPPP consistent with the requirements in this permit for its facility before submitting its Notice of Intent (NOI) for new submittals after the effective date of the General Permit. The SWPPP, together with the additional documentation requirements (see Part 3.1.8.), is intended to document the selection, design, installation, and implementation (including inspection, maintenance, monitoring, and corrective action) of control measures being used to comply with the effluent limits set forth in Part 2.

In general, Part 3.1. requires that the following be documented in the SWPPP:

- storm water pollution prevention team and SWPPP Administrator (see Part 3.1.1.);
- site description (see Part 3.1.2.);
- site map (see Part 3.1.3.)
- summary of potential pollutant sources (see Part 3.1.4.)
- description of control measures and BMPs (see Part 3.1.5.);
- schedules and procedures (see Part 3.1.6.); and,
- SWPPP modifications and updates.

The SWPPP must be signed in accordance with the requirements in the permit. Also, there are additional documentation requirements in Part 3.1.8. In general, the SWPPP must be kept up-to-date, and modified whenever necessary to document that any of the triggering conditions for corrective action in Part 2.4. have occurred, or to document any changes in control measures that were found to be necessary following the triggering conditions in Part 2.4.2. to meet the effluent limitations in this permit.

The requirement to prepare a SWPPP is not an effluent limitation, instead it documents what practices the discharger is implementing to meet the effluent limitations in the permit.

While the permit at Part 2.1 requires the discharger to select control measures to meet the effluent limitations in this permit, the control measures themselves described in the SWPPP are not effluent limitations because the permit does not impose on the permittee the obligation to comply with the SWPPP; rather, the permit imposes on the permittee the obligation to meet the effluent limitations prescribed in Part 2. Therefore, the discharger is free to change at any time the control measures used in order to meet the effluent limitations contained in the permit. This flexibility helps ensure that the permittee is able to adjust its practices as necessary to ensure continued compliance with the permit's effluent limitations. However, the permit also contains a recordkeeping condition that requires that the SWPPP be updated with any such changes in the permittee's practices (see Part 3.1.7.).

E. Standard Conditions

Based on ARM 17.30.1342, standard conditions pertaining to all MPDES permits will be included in Part 4 of General Permit MTR000000.

F. Self-Inspection Requirements

This General Permit contains different types of self-inspections to be performed by qualified personnel in order to ensure Control Measures and BMPs are effectively reducing or eliminating pollutant discharges through storm water runoff, and to evaluate compliance with this permit. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact storm water quality at the facility, and who can also evaluate the effectiveness of controls selected.

1. Routine Inspections

Permittees are required to conduct routine inspections, at least quarterly, of all areas of the facility where industrial materials or activities are exposed to storm water, and of all storm water Control Measures used to comply with the effluent limits required by the permit. Routine inspections help ensure storm water control measures are operated and maintained properly through regularly-scheduled and periodic inspection, which is particularly important in areas which are semi-arid and where significant storm event inspections may not occur for many months at a time and/or are relatively unpredictable in time. Routine inspections help identify new potential pollutant sources, consequent BMPs, and related issues needing attention in a proactive and preventative sense when compared to significant storm event inspections, which tend to be more reactionary to the consequences of a particular storm event. Qualified personnel must conduct the routine facility inspections, and this must include at least one member of the Pollution Prevention Team. Because some equipment, processes, and procedures may require more frequent inspections, the relevant inspection schedules must be documented in the SWPPP.

Part 2.7.1. of the permit elaborates on the specific information to be documented for each routine inspection. Most importantly, this documentation must include when the inspection took place, who conducted the inspection, and any indication that controls may not be adequate or are not functioning properly. The findings of these routine inspections must be maintained on-site with the SWPPP.

Some industry sectors have more specific routine inspection requirements, which are described in more detail in Part 3.4. of the permit for the relevant sectors.

At least once each calendar year, the routine facility inspection must be conducted during a period when a storm water discharge

is occurring. As permittees are already required to perform visual monitoring and benchmark monitoring during storm events, the Department does not believe this imposes significant additional burden on permittees. However, the Department does see this as a potentially important tool for the permittee to be able to better identify sources of pollutants discharged in storm water runoff from the facility and to actively observe the effectiveness of control measures.

A minimum frequency of quarterly routine inspections is required because during at least certain times of the year, significant storm events (0.5 inches or larger) may not occur for many months, and comprehensive site inspections only occur once per year. Additionally, different seasons will have different storm events, such as more snowmelt instead of rainfall, and having a routine inspection will help ensure potential problems or issues with respect to snowmelt events will be better captured and addressed. Overall, in performing a routine inspection every three months, and in consideration of the relatively infrequent nature of the other inspections types, having this “routine” periodic inspection will help ensure potential problems or issues are identified in a relatively timely fashion without being too burdensome on the permittee.

2. Inspections After Significant Storm Events

Through historical experience, the Department has seen the potential for significant storm events to create problems at various industrial activities as the potential for failure and/or maintenance of various Control Measures and BMPs may often increase. Inspections after significant storm events are the most environmentally protective type of inspection as potential problems with Control Measures and BMPs can be acted upon relatively expeditiously in comparison to the other types of inspections. This is particularly important as a routine inspection may only occur every three months (quarterly). Consequently, for relatively larger rainfall events of 0.5 inches or more (within a 24-hour period), and for relatively larger snowmelt events (where sediment erosion and transport is observed to be occurring), the Department believes an inspection is beneficial for quickly noticing and resolving potential problems or deficiencies. This inspection would address similar criteria as those for the routine inspections.

3. Comprehensive Site Inspections

This provision requires a permittee to conduct an on-site inspection to ensure its facility is in compliance with all relevant requirements in the permit. As opposed to the required routine and significant storm event inspections, the comprehensive site inspection is intended to be more in-depth review of the site and all operations, as they relate to storm water management and the requirements of the MSGP, and in also incorporates an evaluation of any storm water monitoring which may have occurred.

Permittees must conduct comprehensive site inspections at least once a year for the entire permit term. Comprehensive site inspections may be conducted simultaneously with other site inspections (such as with the routine facility inspection), provided the scope is sufficient to address the minimum requirements of the comprehensive site inspection. Qualified personnel must conduct inspections, and the inspection team must include at least one member of the Pollution Prevention Team. Permittees may hire outside contractors to perform these inspections; however, signature and certification of inspection reports must be by a duly authorized representative of the facility, as defined in Part 4.15 of the permit.

Note that the comprehensive site inspections are not the same as routine facility inspections. Routine facility inspections are required more frequently and are meant to be less formal evaluations of the facility's exposed industrial activities so that permittees have a mechanism for ensuring that problems are not developing. Comprehensive site inspections, as the term implies, include a much more in-depth review of the site and all operations, as they relate to storm water management and the requirements of this permit.

The comprehensive site inspection must cover all areas of the facility affected by the requirements in the permit including areas where industrial materials or activities are exposed to storm water, storm water control measures used to comply with the effluent limits, and areas where any leaks, spills, or other accidental discharge may have occurred in the last 3 years. The permit identifies the specific activities that may occur at the facility that are to be inspected. Also, the comprehensive site inspection must include observation of storm water control measures used to meet permit requirements to assess the adequacy of these control measures, including any measures in need of maintenance, repair, or replacement or where additional controls are needed.

The results of each comprehensive site inspection must be documented in an Annual Report signed and certified by an authorized company official in accordance with Part 4.15 of the permit. In addition to documenting findings of the assessment and observations described above, the report must also include basic inspection information, must certify if the facility is in compliance with the permit, and must describe any corrective action initiated or completed during the reporting period or required as a result of the inspection.

VI. Effluent Monitoring and Reporting Requirements

Monitoring requirements in the General Permit are based on the authority of 75-5-602, MCA and ARM 17.30.1351. The General Permit has been developed to require mandatory self-monitoring (sampling and analytical testing) for certain parameters for most industrial sectors and sub-sectors listed in Appendix A of the permit. As has been done in prior versions of MTR000000 due to limited historical and representative data available through Department permitting, self-monitoring requirements for various industrial sectors and subsectors is based primarily on the monitoring requirements found in the EPA *Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity*, effective September 29, 2008 (as modified effective May 27, 2009). Monitoring requirements were also developed with the following considerations:

- experience generated through the Department's MPDES program;
- the actual expectation for certain pollutants to be discharged; and
- the potential net benefit to be gained through self-monitoring in addition to the permittee's self-inspections.

Any monitoring required above and beyond the mandatory self-monitoring required in the General Permit (as discussed below) would typically be subject to similar sampling, testing, and reporting protocols.

Based on ARM 17.30.1351(2), monitoring results must be evaluated by the permittee. These requirements are stated in Part 2.5.1.6. of the permit. In part, this evaluation involves comparison with "benchmark" parameter concentrations developed by EPA. These benchmark concentrations are included as a table in each of the industrial activity sectors listed in Part 3.4. of the permit. Comparison with benchmark values serves as a tool to judge BMP effectiveness and look for ongoing pollutant discharge problems. Evaluation of monitoring results is also used as a potential trigger mechanism for corrective action requirements found in Part 2.4. of the permit. Self-monitoring at the above industrial activities is performed quarterly and results are reported to the Department on standard Discharge Monitoring Report forms. For those required to perform storm water monitoring, the default frequency for conducting monitoring is quarterly (unless otherwise specified in Part 3.4. of the permit) in order to get more representation of storm water quality

with respect to seasonal variations and to have more representative data through time, as compared to historical semi-annual monitoring.

VII. Mixing Zones

A mixing zone is an area where the effluent mixes with the receiving water and certain water quality standards may be exceeded (ARM 17.30.502(6)). Because the General Permit regulates the discharge of pollutants through the development and implementation of technology based controls (Control Measures, BMPs and the SWPPP) a mixing zone is not applicable. As stated before, facilities which cause a contribution to a violation of water quality standards must apply for an MPDES Individual Permit.

VIII. Nondegradation

The activities covered by this General Permit have been determined to be non-significant based on 75-5-303 (3)(d) MCA, and 75-5-317(2)(b) MCA, whereas the permit stipulates that Control Measures, BMPs, and the SWPPP will be implemented prior to the commencement of regulated activities covered under this permit. The permit also includes provisions for the ongoing evaluation of Control Measures and BMPs to eliminate or minimize pollutants contained in storm water runoff. If the “owner or operator” provides information that indicates the proposed discharge will not meet conditions of ARM 17.30.715(1), the Department may require the “owner or operator” to amend the Control Measures, BMPs, and SWPPP in order to comply with Montana’s Nondegradation Policy and rules, or that MPDES permit coverage is necessary under an Individual Permit instead of under this General Permit. .

IX. Total Maximum Daily Loads (TMDL)

On September 21, 2000, a U.S. District Judge issued an order stating that until all necessary total maximum daily loads (TMDLs) under Section 303(d) of the Clean Water Act are established for a particular water quality limited segment (WQLS), the State is not to issue any new permits or increase permitted discharges under the MPDES program. The order was issued in the lawsuit *Friends of the Wild Swan v. U.S. EPA, et al.*, CV 97-35-M-DWM, District of Montana, Missoula Division. The DEQ finds that the renewal and re-issuance of this General Permit does not conflict with the order, because: (1) it is not a new permit, and 2) the permit prohibits storm water discharges that cause or contribute to a violation of water quality standards.

As discussed in Part V.B. (Water Quality Based Effluent Limits) of this Fact Sheet, the permit contains provisions to address listed impaired waterbodies and TMDLs.

X. Procedure for Coverage under the General Permit

Two main criteria determine whether an industrial facility is eligible for coverage under this permit are:

1. The type of industry activity as specified in Table A in Appendix of the permit (usually described by the SIC code), and
2. The presence of a discharge of storm water to surface water from the facility or activity.

Part 1 of the permit, entitled "Coverage Under the General Permit", includes the following:

- Facilities Covered;
- Allowable Storm Water Discharges;
- Allowable Non-Storm Water Discharges;
- Limitations on Coverage;
- New Authorizations;
- Continuing Authorizations;
- Continuation of this Permit;
- Termination of Coverage Under this Permit;
- Transfer of Coverage Under this Permit; and,
- Conditional Exclusion for No Exposure.

As described earlier in this Fact Sheet, this General Permit will bring in the use of a "Notice of Intent" instead of an "Application" for new facility/activity storm water discharges covered under this General Permit (not continuing renewals).

Additionally, for new submittals for storm water discharge coverage under the General Permit, the NOI form will include provisions to address compliance with the Montana Environmental Policy Act, particularly the inclusion of an indication of whether the following criteria have been addressed:

- Vegetation and Wildlife Species and Habitats, Including Fisheries and Aquatic Resources;
- Unique, Endangered, Fragile, or Limited Environmental Resources; and
- Historical, Cultural, & Archeological Sites.

XI. References/ Information Sources

- (1) Administrative Rules of Montana Title 17, Chapter 30 *et seq.*
- (2) Montana Code Annotated Title 75, Chapters 5, Subchapters 1 through 6
- (3) Code of Federal Regulations 40 CFR Parts 122 through 133
- (4) MPDES Permit MTR100000 (and associated documents), Effective date April 16, 2007

- (5) MPDES Permit MTR000000 (and associated documents), Effective date October 1, 2006
- (6) MPDES Permit MTR300000 (and associated documents), Effective date January 1, 2008
- (7) MPDES Permit MTR040000, (and associated documents), Effective date January 1, 2010
- (8) EPA, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, Effective October 30, 2000
- (9) EPA, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, Effective September 29, 2008 (as modified effective May 27, 2009)
- (10) EPA, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, Final 2008 Fact Sheet
- (11) Developing Pollution Prevention Plans and Best Management Practices
EPA 832-R-92-006

For additional information on reference #9 and #10, these documents may be found on the following website (or future equivalent websites):

<http://cfpub.epa.gov/npdes/stormwater/msgp.cfm> .

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