Permit No.: MTX000092

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.*,

Weyerhaeuser NR

must operate its facility, Weyerhaeuser-Columbia Falls Operations, in accordance with the limitations, monitoring requirements, best management practices, and other provisions set forth herein.

The facility is located at:
Section 7, Township 30 North, Range 20 West
Latitude: 48.37862, Longitude: -114.20354
Flathead County

Authorization is limited to the conditions specifically listed in the permit. The permit requirements and special conditions specified herein support the protection of state waters.

This permit shall become effective: November 01, 2020.

This permit and the authorization to discharge shall expire at midnight, October 31, 2025

FOR THE MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Jon Kenning, Chief
Water Protection Bureau

Issue Date: September 23, 2020

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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 a 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 Part 75-5-632 of the Montana Water Quality Act.

Outfall	Description
003	**Log Pond (Lower Log Pond)** **Location:** Infiltration pond located Southeast ¼ of Section 7, Township 30 North, Range 20 West Latitude: 48.37462, Longitude: -114.20415 **Mixing Zone:** The Department reauthorizes a standard ground water mixing zone (500 foot length, 15 foot depth, bearing SSE) for arsenic, nitrogen, and phenol. **Treatment Works:** None
004	**Overflow Area** **Location:** Infiltration area located Northwest ¼ of Section 7, Township 30 North, Range 20 West Latitude: 48.37865, Longitude: -114.20925 **Mixing Zone:** The Department reauthorizes a standard ground water mixing zone (500 foot length, 15 foot depth, bearing SSW) for arsenic, nitrogen, and phenol. **Treatment Works:** None
006	**Boiler Ditch** **Location:** Infiltration ditch located Southeast ¼ of Section 7, Township 30 North, Range 20 West Latitude: 48.37620, Longitude: -114.19885 **Mixing Zone:** None authorized **Treatment Works:** None

B. Effluent Limitations and Prohibitions

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

All laboratory analytical reports must have analyte reporting levels (RL) that meet or exceed the required reporting value (RRV) as listed in DEQ Circular 7 unless otherwise approved by DEQ. This is only for concentration unit based analyses, and only for Circular 7 listed parameters that have an associated RRV.

C. Monitoring and Reporting Requirements

1. Wastewater Sampling and Reporting Requirements

- Monitoring and reporting of wastewater is required through the term of the permit.
- Wastewater samples shall be collected from: Log Pond (Lower Log Pond) wastewater sampling point (EFF-003) located at the intake log deck pump. The Overflow Area wastewater sampling point (EFF-004) located at the end of the discharge pipe. The Boiler Ditch wastewater sampling point (EFF-006) located at the end of the discharge pipe.
- Wastewater samples and measurements must be representative of the volume and nature of the monitored discharge. Wastewater samples must be collected in accordance with the Wastewater Sampling Operation Procedure Manual.
- Wastewater sampling is required at minimum on a quarterly basis.
- Wastewater samples must be collected and reported if the respective outfall was active at any time during each calendar quarter.
- Monitoring requirements are listed in Tables 1, 2 and 3.
- Wastewater flow rate monitoring and reporting must be completed in accordance with the DEQ approved Wastewater Flow Rate Monitoring and Reporting Plan.
- Submittal of annual Wastewater Quality Monitoring and Wastewater Flow Rate Monitoring reports will be required regardless of the operational status of the facility.
- A cumulative record of all individual sampling results must be submitted to DEQ annually through term of the permit.
- Reporting requirements are listed in Tables 1, 2, and 3. Reporting due dates are listed in Table 9.

2. Ground Water Monitoring and Reporting Requirements

- The permittee shall continue monitoring the following monitoring wells: BG-MW, 003-MW, 004-MW, 006-MW, and 007-MW.
- Monitoring must take place even when the facility is nonoperational.
- The monitoring frequency for each monitoring well is respectively listed within the monitoring tables.
- Monitoring and reporting must be completed in accordance with the DEQ approved Ground Water Monitoring, Analysis, and Reporting Plan.
- Monitoring requirements are listed in Tables 4, 5, 6, 7, and 8.

- Submittal of annual reports will be required regardless of the operational status of the facility, dry well, or non-viable well conditions.
- A cumulative record of all monitoring records and individual sampling results must be submitted to DEQ annually through term of the permit.
- Reporting requirements are listed in Tables 4, 5, 6, 7, and 8. Reporting due dates are listed in Table 9.

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Annually on January 1st through the term of the Permit Cycle.

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Sample Collection Date	Operational during sampling period? (y/n)	Lab Result[4]	Laboratory Reporting Level	Non-Detect? (y/n)	Laboratory Method	Laboratory Qualifier Code(s)[5]	Count of Samples Collected	Minimum	Average

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. Attach a description of all listed codes if any.

D. Special Conditions

1. **Wastewater Flow Rate Monitoring and Reporting Plan**
   The permittee shall develop (or update) and implement a site-specific Wastewater Flow Rate Monitoring and Reporting Plan. The plan must document best management practices to be used for consistent collection, documentation, and reporting of wastewater flow rate data. At minimum, the plan must include the following:
   - Identification of all potential contributions, losses, or conveyances (in-flows) for all wastewater streams;
   - Daily flow rate estimations for all contributions, losses, and conveyances;
   - Infiltration (discharge) rates at each outfall; and,
   - Determination of non-discharging events.

   All flow rates must include seasonal variation estimates. The plan will be used as guidance in reporting Annual Wastewater Flow Rate Reports to DEQ. A copy of the plan shall be kept on site and at all times.

   The respective completion and reporting dates are listed within Table 9. Any subsequent amended plans must be reported to DEQ within 30 calendar days.

2. **Wastewater Flow Rate Report**
   Wastewater Flow Rate Reports must be completed annually. Reports must be constructed using the Wastewater Flow Rate Monitoring and Reporting Plan. The report must include all information listed within Part I.D.1.

   The respective completion and reporting dates are listed within Table 9.

3. **Water Balance Line Diagram**
   The permittee shall develop (or update) a Water Balance Line Diagram. The diagram must include all potential contributions, losses and conveyances for all wastewater streams. The diagram must include design flow between intakes, operations, treatment units, flow measurement location(s), sampling locations, conveyance structures, and discharge structures. If a complete water balance cannot be determined, a partial diagram may be supplemented with a pictorial description estimating the nature and estimated amount of any contributions, losses or conveyances of water.

   The respective completion and reporting dates are listed within Table 9. Any subsequent amended diagrams must be reported to DEQ within 30 calendar days.

4. **Waste Water Sampling Operation Procedure Manual**
   The permittee shall develop (or update) a Waste Water Sampling Operation Procedure manual. The manual will be used as standard operating procedures in preparing and collecting wastewater samples from EFF-003 (at minimum). A copy of the procedure manual shall be kept on site and at all times.

   The respective completion and reporting dates are listed within Table 9. Any subsequent amended manual must also be reported to DEQ within 30 calendar days.

5. **Ground Water Monitoring Well Viability**
   The permittee is required to monitor and collect representative ground water samples from the shallow ground water bearing zones. If any of the monitoring wells are abandoned, destroyed, decommissioned, or non-viable; or are no longer able to be monitored due to obstructions or fluctuations in the ground water table; the permittee shall install (or rehab) a new well to replace the abandoned, destroyed, decommissioned, or non-viable well(s).

6. **Ground Water Monitoring, Analysis, and Reporting Plan**
   The permittee shall develop (or update) a Ground Water Monitoring, Analysis, and Reporting Plan. The permittee is required to use best management practices in developing standard operating procedures for sampling, analyzing, and reporting of ground water. The plan needs to be site-specific and result in monitoring and reporting that is representative of the nature of the shallow ground water bearing zones. The plan will need to provide for consistent identification, development, monitoring, sampling, recording, calculating, and reporting of the monitoring wells. The plan will also need to provide for guidance on determining and documenting dry-well occurrences.

   The completion and submittal dates for the plan are listed in Table 9. The permittee will need to maintain the plan, monitoring well development records, and dry well occurrence records on-site and at all times.

7. **Potentiometric Ground Water Flow Maps**
   The permittee shall submit Potentiometric Ground Water Flow Maps as a condition of this permit. Seasonal maps shall be created based on quarterly ground water monitoring events. The respective completion and reporting dates are listed within Table 9.

8. **Septage Impacts on the Shallow Aquifer**
   The permittee shall create and submit a report documenting septic impact on shallow ground water quality in use of their best professional judgement. The respective completion and reporting dates are listed within Table 9.

Table 9: Compliance Schedule

Action	Freq.	Scheduled Completion Date of Action[1]	Scheduled Report Due Date.[2]
Develop (or update) and implement a facility site specific **Wastewater Flow Rate Monitoring and Reporting Plan.**[3]	Single event	November 1, 2021	November 28, 2021
Complete (or update) a facility **Water Balance Line Diagram.**[3]	Single event	November 1, 2021	November 28, 2021
Develop (or update) and implement a **Wastewater Sampling Operation Procedure Manual.**[3]	Single event	November 1, 2021	November 28, 2021
Develop (or update) and implement a **Ground Water Monitoring, Analysis, and Reporting Plan.**[3]	Single event	November 1, 2021	November 28, 2021
Report on **Septage Impacts on the Shallow Aquifer.**	Single event	November 1, 2022	November 28, 2022
Perform and report **Seasonal Potentiometric Surface Maps of the Shallow Ground Water Aquifer** for each calendar year.	Annually	At the end of each calendar year through term of permit.	Annually on January 28th. (The initial 2020 report is due on 01/28/2021.)
Complete **Annual Ground Water Monitoring Reports.**[4]	Annually	At the end of each calendar year through term of permit.	Annually on January 28th. (The initial 2020 report is due on 01/28/2021.)
Complete **Annual Wastewater Quality Monitoring Reports.**[4]	Annually	At the end of each calendar year through term of permit.	Annually on January 28th. (The initial 2020 report is due on 01/28/2021.)
Complete **Annual Wastewater Flow Rate Monitoring Reports.**[4]	Annually	At the end of each calendar year through term of permit.	Annually on January 28th. (The initial 2020 report is due on 01/28/2021.)

Footnotes:

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

(2) Reports must be received by DEQ on or before the scheduled report due dates. The reports must include all information as required for each applicable action permit condition.

(3) The completed plan/manual (action), in place of a written report, must be received by DEQ on or before the scheduled report due

(4) Sampling and reporting requirements are discussed in Part I.

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

Monitoring results must be reported in accordance to the reporting requirements of Part I of this permit. Monitoring reports may be submitted electronically (e.g. email) directly to the MGWPCS Program Lead.

All other reports (e.g. special conditions, compliance actions) must be submitted no later than the 28th day of the month following the completion due date, unless otherwise specified. All reports required herein, must be signed and certified in accordance with Part IV.G. "Signatory Requirements" of this permit and submitted to DEQ at the following address:

Montana Department of Environmental Quality
Water Protection Bureau
PO Box 200901
Helena, Montana 59620-0901

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, unless otherwise specified in permit.

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 90 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 than $25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. Availability of Reports

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

J. Oil and Hazardous Substance Liability

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

K. Property or Water Rights

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

L. Severability

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

M. Transfers

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

1. The current permittee notifies the Department at least 30 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;

3. The Department does not notify the existing permittee and the proposed new permittee of an intent to revoke or modify and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part IV.M.2 of this permit; and

4. Required annual and application fees have been paid.

N. Fees

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

1. Impose 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 *E. coli* bacteria, means the arithmetic average of all individual daily discharge measurements during a consecutive 30-day period or calendar month, whichever is applicable (see Daily Discharge). The arithmetic average must not include any individual daily measurements collected on days in which discharge did not occur (e.g. flow measurements). Geometric means must be calculated for the *E. coli* bacteria parameter.

2. **"90-day (and Quarterly) Average"** other than for *E. coli* bacteria, means the arithmetic average of all individual daily discharge measurements during a consecutive 90-day period or calendar quarter, whichever is applicable (see Daily Discharge). The arithmetic average must not include any individual daily measurements collected on days in which discharge did not occur (e.g. flow measurements). Geometric means must be calculated for the *E. coli* bacteria parameter.

3. **"180-day (and Six-Month or Semi-Annual) Average"** other than for *E. coli* bacteria, means the arithmetic average of all individual daily discharge measurements collected during a consecutive 180-day period or calendar half-year, whichever is applicable (see Daily Discharge). The arithmetic average must not include any individual daily measurements collected on days in which discharge did not occur (e.g. flow measurements). Geometric means must be calculated for the *E. coli* bacteria parameter.

4. **"Act"** means the Montana Water Quality Act, Title 75, chapter 5, MCA.

5. **"Annual Average Load"** means the arithmetic mean of all calculated individual daily average loads (lbs/day) recorded during the calendar year, multiplied by 365 (days/year) for a monitored parameter.

6. **"Annual Maximum Limit"** means the maximum allowable discharge of a parameter during a calendar year (or defined 365 day period).

7. **"Best management practices" ("BMPs")** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

8. **"BOD_5"** means the five-day measure of the biochemical oxygen demand parameter.

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

10. **"Composite Sample"** means a sample that consists of two or more discrete aliquots. Composite samples must be flow proportioned. The composite sample must, 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 must 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.

11. **"CFR"** means Code of Federal Regulations.

12. **"CFU"** means Colony Forming Units.

13. **"Continuous"** means a measurement occurring without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance process changes, or other similar activities.

14. **"Daily Discharge"** means the discharge of a parameter (or pollutant) measured during a calendar day (or any 24-hour period that reasonably represents the calendar day for purposes of sampling). For parameters with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the parameter discharged over the day. For parameters with limitations expressed in other units of measurement, the daily discharge is calculated as the arithmetic average of all measurements (or samples) collected over the day.

15. **"Daily Maximum"** means the highest individual measured daily value occurring in a defined reporting period (see Daily Discharge).

16. **"Daily Maximum Limit"** means the maximum allowable discharge of a parameter for any calendar day (see Daily Discharge).

17. **"DEQ"** means the Montana Department of Environmental Quality.

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

19. **"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.

20. **"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.

21. **"Instantaneous"** means a single reading, observation, or measurement.

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

23. **"Mixing Zone"** means a limited area of a surface water body or ground water bearing zone where initial dilution of a discharge takes place and where certain water quality standards may be exceeded.

24. **"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 design capacity or limitations established under or determined from a permit or approval issued by the Department prior to April 29, 1993.

25. **"RRV"** means Required Reporting Values (DEQ Circular 7).

26. **"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.

27. **"TSS"** means the total suspended solids parameter.

28. **"Total Inorganic Nitrogen (TIN)"** means the arithmetic sum of Nitrate + Nitrite and Ammonia.

29. **"Total Nitrogen (TN)"** means the arithmetic sum of Nitrate + Nitrite and Total Kjeldahl Nitrogen.