

# MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

## GENERAL PERMIT FOR ADVANCED DOMESTIC WASTEWATER TREATMENT SYSTEMS

Permit No. MTXG03000

### 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., owners and operators of advanced domestic wastewater treatment systems are authorized to discharge and must operate their facility in accordance with the limitations, monitoring requirements, and other provisions set forth herein. A written letter of authorization from the Department is required before an owner or operator is authorized to discharge under this General Permit.

A copy of this General Permit and letter of authorization must be kept on site at all times. This General Permit is not valid without a current authorization letter from the Department.

This permit shall become effective: **TBD**.

This permit and the authorization to discharge shall expire at midnight, **TBD (five years after issue date)**.

FOR THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

**DRAFT**

---

Jon Kenning, Chief  
Water Protection Bureau

Issue Date: \_\_\_\_\_

**TABLE OF CONTENTS**

**I. PERMIT AREA AND COVERAGE .....3**

**II. EFFLUENT LIMITS, MONITORING REQUIREMENTS & OTHER CONDITIONS .....10**

A. EFFLUENT LIMITATIONS ..... 10

B. EFFLUENT MONITORING AND REPORTING REQUIREMENTS ..... 10

C. SPECIAL CONDITIONS – PLAN AND SPECIFICATION REVIEW ..... 11

D. MIXING ZONES ..... 11

**III. MONITORING, RECORDING AND REPORTING REQUIREMENTS.....12**

A. REPRESENTATIVE SAMPLING..... 12

B. MONITORING PROCEDURES ..... 12

C. PENALTIES FOR TAMPERING ..... 12

D. REPORTING ..... 12

E. COMPLIANCE SCHEDULES ..... 13

F. ADDITIONAL MONITORING BY THE PERMITTEE ..... 13

G. RECORDS CONTENTS ..... 13

H. RETENTION OF RECORDS ..... 13

I. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING ..... 14

J. OTHER NONCOMPLIANCE REPORTING..... 14

K. INSPECTION AND ENTRY..... 15

**IV. COMPLIANCE RESPONSIBILITIES .....16**

A. DUTY TO COMPLY ..... 16

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS ..... 16

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE ..... 16

D. DUTY TO MITIGATE ..... 16

E. PROPER OPERATION AND MAINTENANCE ..... 16

F. REMOVED SUBSTANCES ..... 17

G. BYPASS OF TREATMENT FACILITIES ..... 17

**V. GENERAL REQUIREMENTS .....18**

A. PLANNED CHANGES..... 18

B. ANTICIPATED NONCOMPLIANCE ..... 18

C. PERMIT ACTIONS ..... 18

D. DUTY TO REAPPLY ..... 18

E. DUTY TO PROVIDE INFORMATION ..... 18

F. OTHER INFORMATION ..... 19

G. SIGNATORY REQUIREMENTS ..... 19

H. PENALTIES FOR FALSIFICATION OF REPORTS ..... 20

I. AVAILABILITY OF REPORTS ..... 20

J. OIL AND HAZARDOUS SUBSTANCE LIABILITY ..... 20

K. PROPERTY OR WATER RIGHTS ..... 20

L. SEVERABILITY ..... 20

M. TRANSFERS ..... 21

N. FEES..... 21

O. REOPENER PROVISIONS ..... 21

**VI. DEFINITIONS .....22**

## I. PERMIT AREA AND COVERAGE

### A. Permit Area

This General Permit applies to all areas within the state of Montana, except on lands within the exterior boundary of an Indian reservation.

### B. Facilities Eligible for Coverage

Authorization under this General Permit will be considered only for facilities that meet all the basic criteria listed below:

1. The facility has existing permit coverage under a valid Montana Ground Water Pollution Control System (MGWPCS) permit; and/or, has undergone a Department significance determination.
2. The facility shows evidence of treatment capable of meeting the numeric effluent limitation (Table 1) prior to discharge.
3. The facility's plans and specifications have, or will undergo Department review as stipulated by one of the following statutes:
  - Public Water Supply Act, Title 75, chapter 6, Montana Code Annotated (MCA);
  - Subdivision and Platting Act, Title 76, chapter 3, MCA; or,
  - Sanitations in Subdivisions Act, Title 76, chapter 4, MCA.

### C. Facilities Excluded from Coverage

Facilities are prohibited from obtaining or retaining authorization under this General Permit if any one of the following is applicable:

1. Discharge of industrial wastewater or other (non-domestic) wastes.
2. Dilution from a ground water mixing zone is needed in order to meet long term numeric effluent limitations.
3. Beneficial uses of any downgradient receiving ground water cannot be maintained.
4. The evaluation of the phosphorus adsorptive capacity of the soils in the area of the activity indicates that phosphorus will not be removed for a period of at least 50 years.

5. The wastewater treatment system or disposal system does not meet the design requirements under the following standards:
  - Circular DEQ-2, Design Standards for Public Sewage Systems; when applicable.
  - Circular DEQ-4, Montana Standards for Subsurface Wastewater Treatment Systems; when applicable.
6. The wastewater treatment system is not designed to treat *Escherichia coli* bacteria; or, the disposal system is not designed to remove *Escherichia coli* bacteria.
7. A facility disposal structure is located within 600 feet of a downgradient water well or spring (set back).
8. A facility disposal structure does not meet the minimum set back requirements as follows:

<b>Setback Criteria for Disposal Structures</b> (distance in feet)	
Water well - public	100
Water well - individual	100
Water well - other <sup>(1)</sup>	100
Surface water <sup>(2)</sup>	100
Floodplains	100
Springs	100
Cisterns - Water	50
Storm water ponds and ditches	25
Property boundaries	10
Subsurface drains	10
Water mains	10
<small>(1) Other wells may include, but are not limited to, irrigation and stock watering. Other wells do not include monitoring wells.</small>	
<small>(2) This general permit does not authorize discharge of pollutants to surface water.</small>	

9. The permittee or facility is under an Administrative Order on Consent (AOC); or has persistent non-compliance issues.

D. Application for Coverage - Facilities Applying for New Permit Coverage (New, Replacement, or Modification)

To obtain permit authorization, the applicant must complete the following for each eligible facility:

1. Submit a complete General Information form (DEQ Form 1) that reflects the current nature and operation of the facility; completed to the satisfaction of the Department.
2. Submit a complete NOI form (DEQ Form NOI-MTXG03) that reflects the current nature and operation of the facility; completed to the satisfaction of the Department (note: the correct NOI form is the version in use by the Department upon the date that the Department received the application).
3. Submit (as part of the NOI package) evidence demonstrating the capability of the treatment system in meeting the numeric effluent limitations as established within this General Permit.
4. Cite (or submit) an existing nonsignificance determination - phosphorous breakthrough analysis. An analysis may not be needed if the facility has previously undergone a nonsignificance determination by the Department and no significant modifications have since taken place; or is not a new or increased source. Additional fees may apply.
5. Submit (as part of the NOI form) a plan to provide alternative water supplies or treatment in the event any water well is adversely affected by the operation of the source.
6. Submit (as part of the NOI form) the following:
  - Vicinity map,
  - Facility site plan,
  - Location of adjacent state surface waters,
  - List of surface owners within one mile of the proposed discharge structure(s),
  - Location of water wells and springs within one mile of the proposed discharge structure(s),
  - A summary of the status of plans and specifications for the wastewater treatment system and disposal structures, and,
  - Current wastewater treatment and disposal system line diagram.
7. If the proposed source currently does not have effective permit coverage under a valid individual MGWPCS permit, the Department may require the submission of additional data and information in order to analyze any potential impacts of the source. Information requested may be found within the MGWPCS GW-1 application forms.  
<http://deq.mt.gov/Water/WPB/wpbforms>

8. Submit all requested information to allow the Department to complete all applicable reviews to comply with the Montana Environmental Policy Act (MEPA).
9. The permittee is required to notify the Department on whether the facility is located in Sage Grouse core habitat. The notification must be received at the time of application submittal (Form NOI-MTXG03).

If the facility is located in Sage Grouse core habitat, the permittee is required to contact the Department of Natural Resources and Conservation (DNRC) Sage Grouse program in regards to any restrictions placed upon the facility or project. Documentation from DNRC must be submitted to the Department at time of application submittal and must identify any restrictions.

Information regarding the Sage Grouse program or habitat boundary maps can be found at the follow websites: <https://sagegrouse.mt.gov/> and <http://svc.mt.gov/deq/wmadst/>.

The Department may deny permit authorization due to any restrictions placed upon the facility or project.

10. Submit all applicable fees.

These materials must be submitted on, or in supplement to, form NOI-MTXG03 to:

Department of Environmental Quality  
Water Protection Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

Please note that the applicant will not have effective permit coverage until the Department issues an authorization letter to the applicant to discharge under the General Permit. Concurrently, and if applicable, the Department will terminate any existing MGWPCS permits. An effective authorization letter along with a copy of the General Permit must be retained at all times at the discharge facility.

E. Application for Coverage - Facilities Renewing Permit Coverage (with no significant modifications)

To reapply for permit authorization, the applicant must complete the following for each eligible facility:

1. Submit a complete General Information form (DEQ Form 1) that reflects the current nature and operation of the facility; completed to the satisfaction of the Department.
2. Submit a complete NOI form (DEQ Form NOI-MTXG03) that reflects the current nature and operation of the facility; completed to the satisfaction of the Department (note: the correct NOI form is the version in use by the Department upon the date that the Department received the application).
3. Submit (as part of the NOI form) the following:
  - Vicinity map,
  - Facility site plan,
  - Location of adjacent state surface waters,
  - List of surface owners within one mile of the discharge structure(s),
  - Location of water wells and springs within one mile of the discharge structure(s),
  - A summary of the status of plans and specifications for the wastewater treatment system and disposal structures, and,
  - Current wastewater treatment and disposal system line diagram.
4. Submit all requested information to allow the Department to complete all applicable reviews to comply with the Montana Environmental Policy Act (MEPA).
5. Submit all applicable fees.

These materials must be submitted on, or in supplement to, form NOI-MTXG03 to:

Department of Environmental Quality  
Water Protection Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

Please note that the applicant will not have effective permit coverage until the Department issues an authorization letter to the applicant to discharge under the General Permit. Concurrently, and if applicable, the Department will terminate any existing MGWPCS permits. An effective authorization letter along with a copy of the General Permit must be retained at all times at the discharge facility.

F. Permit Expiration

All facilities authorized under the General Permit will have the same date of expiration, which will be five years from the General Permit issuance date.

G. Revocation

Permit coverage may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, any of the following:

1. Failure to meet or sustain the General Permit eligibility criteria.
2. Excluded from General Permit coverage.
3. The wastewater treatment system's plans and specifications were not reviewed or approved by the Department prior to discharge.
4. Failure to disclose or submit a Phosphorous Breakthrough Analysis (Significance Determination).
5. Violation of any condition of the permit.
6. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
7. A discharge that requires either a temporary reduction, permanent reduction, or elimination of the authorized discharge due to any of the following:
  - change in any condition,
  - violation of ground water quality standards,
  - degradation of high quality ground waters, or,
  - impact to the beneficial uses.
8. A failure or refusal by the permittee to comply with the monitoring or reporting requirements.

H. Termination

Permit authorizations remain in effect, unless the Department receives notification from the permittee that the activity has ceased and will not be continued, and the disposal system has been deconstructed. This notice must be signed and certified in accordance with the signatory requirements in Part V of this permit.

Permittees are authorized to operate for the term of the permit provided they pay all annual fees. The facility remains responsible for payment of all applicable fees. Failure to submit a termination request shall result in accrual of annual fees until such notice is received by the Department.

I. Replacement

The owner or operator of a facility with active permit coverage under this General Permit may request replacement with another permit by applying for and obtaining another MGWPCS or Montana Pollutant Discharge Elimination System (MPDES) permit. If another MGWPCS permit is issued to the owner or operator of the facility, coverage under the General Permit is terminated on the effective date of the issued MGWPCS permit.

J. Transfer of Permittee

Authorizations under this permit may be transferred to a new permittee if:

- The current permittee notifies the Department at least 30 days in advance of the proposed transfer date by submitting a complete permit transfer notification form (Form PTN); and,
- All applicable fees have been paid; and,
- The Department does not notify the permittees (existing or new) of intent to modify, suspend, revoke, or reissue the permit.

K. Requiring an Individual Permit

The Department may require any facility authorized by this permit to apply for and obtain an individual permit if:

1. The facility is unable to comply with the terms and condition of this General Permit; or,
2. The Department determines that discharge causes or contributes to a violation of ground water quality standards (DEQ Circular 7).

The Department will notify the operator, in writing, that an application for an individual permit is required and will set a deadline for submitting the application. Coverage under this General Permit is automatically terminated if the operator fails to submit the required individual MGWPCS permit application by the deadline or when the Department issues an individual MGWPCS permit for the facility.

Any owner or operator covered under this General Permit may request to be excluded from the coverage under this General Permit by applying for an individual permit. The owner or operator shall submit an application for an individual permit (Form 1 and Form GW-1) with the reasons supporting the application to the Department. If a final individual MGWPCS permit is issued to an owner or operator otherwise subject to this General Permit, the applicability of this General Permit to the facility is automatically terminated on the effective date of the individual MGWPCS permit. Otherwise, the applicability of this General Permit to the facility remains in full force and effect.

## II. EFFLUENT LIMITS, MONITORING REQUIREMENTS & OTHER CONDITIONS

### A. Effluent Limitations

Upon the effective date of the General Permit and lasting until the term of the permit; the quality of effluent discharged shall, as a minimum, meet the limitations set forth in Table 1.

Parameter	Units	Daily Maximum
Nitrogen, Total (as N)	mg/L	7.5

### B. Effluent Monitoring and Reporting Requirements

- a. Effluent samples must be representative of the nature of the monitored discharge.
- b. For each outfall, an effluent sample location shall be established by the permittee that is representative of effluent quality at end-of-pipe (prior to discharge).
- c. Effluent sampling and reporting requirements are listed in Table 2. The sampling requirements must be completed separately for each outfall. The required sampling frequency is listed in Table 2 for each respective parameter. The required sample type is listed in Table 2 for each respective parameter. The permittee shall report the required monitoring data to the Department at the frequency respectively listed in Table 2 for each parameter.
- d. Parameter analytical methods must be in accordance with the Code of Federal Regulations, Title 40, Part 136, unless specified or otherwise approved by the Department.
- e. Submittal of electronic Discharge Monitoring Reports (DMRs) are required regardless of the operational status of the facility. If no discharge occurs during an individual monitoring period, it shall be stated within the DMR that no discharge or overflow occurred.
- f. Effluent flow rate measurements shall be representative of the volume of the monitored discharge.
- g. For each outfall, an effluent flow meter system shall be established by the permittee that is representative of effluent volume.
- h. Effluent flow monitoring and reporting requirements are listed in Table 2. The flow monitoring requirements must be completed separately for each outfall.

<b>Table 2: Effluent Monitoring and Reporting Requirements</b>						
<b>Parameter</b>	<b>Monitor Location</b>	<b>Units</b>	<b>Sample Type</b>	<b>Minimum Sample Frequency</b>	<b>Reporting Requirements<sup>(1)</sup></b>	<b>Report Freq.</b>
Flow Rate, Effluent <sup>(2)</sup>	Location representative of effluent volume	gpd	Continuous	Continuous	Daily Maximum Quarterly Average	Quarterly
Nitrogen, Nitrite+Nitrate (as N)	Location representative of effluent quality	mg/L	Grab	1/Quarter	Daily Maximum Quarterly Average	Quarterly
Nitrogen, Total Kjeldahl (TKN)(as N)	Location representative of effluent quality	mg/L	Grab	1/Quarter	Daily Maximum Quarterly Average	Quarterly
Nitrogen, Total (as N) <sup>(3)</sup>	Location representative of effluent quality	mg/L	Calculate	1/Quarter	Daily Maximum Quarterly Average	Quarterly

Footnotes:  
 (1) Daily Maximum: Report highest measured daily value for the reporting period on discharge monitoring report.  
 (2) Requires recording device or totalizing meter, must record daily effluent volume.  
 (3) Total Nitrogen is the sum of Nitrate + Nitrite and Total Kjeldahl Nitrogen.

C. Special Conditions – Plan and Specification Review

Prior to discharge, the wastewater treatment system’s plans and specifications must be reviewed and approved by the Department.

D. Mixing Zones

No new mixing zones may be established under this general permit. Dilution is not authorized under this general permit. The permittee may retain existing mixing zones that were previously authorized by an earlier Department permitting action. These mixing zones may be retained in order for the permittee to maintain permit setback requirements (Part I.C.). Retained mixing zones must be documented in the authorization letter issued by the Department.

### III. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling

Samples taken in compliance with the monitoring requirements established under Part II 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 the 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

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 28<sup>th</sup> 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. Monitoring reports must be electronically signed and certified in accordance with Part V "Signatory Requirements" of this permit.

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 V "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 to the Department in either electronic or paper format and be postmarked no later than 14 days following each schedule date unless otherwise specified in this permit.

F. Additional Monitoring by the Permittee

If the permittee monitors any additional parameters or any parameter 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 analysis 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 the 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) 324-4777. The following examples are considered serious incidents:
  - a. Any noncompliance which may seriously endanger health or the environment; or
  - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part IV.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 III of this permit, "Reporting."

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 III.D. of this permit are submitted. The reports shall contain the information listed in Part III.I.2. of this permit.

K. Inspection and Entry

The permittee shall allow the head of the Department, 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.

#### 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 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(9)(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 Part IV.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, sludge, 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 IV.G.2. and IV.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 III.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 judgment 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 IV.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 IV.G.3.a. of this permit.

## 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:

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 may apply for a new authorization under this general permit, or apply for an individual permit. New general permit authorizations must apply at least 30 days prior to expiration of this permit. New individual permit applications must be submitted at least 180 days prior to expiration 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; or
  - 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 V.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 V.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 part 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, any invasion of personal rights, or 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

Authorizations under this permit may be transferred to a new permittee if:

- The current permittee notifies the Department at least 30 days in advance of the proposed transfer date by submitting a complete permit transfer notification form (Form PTN); and,
- All applicable fees have been paid; and,
- The Department does not notify the permittees (existing or new) of intent to modify, suspend, revoke, or reissue the 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 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-part. 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; or
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.

## VI. 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). Geometric means shall 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). Geometric means shall 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). Geometric means shall be calculated for the *E. coli* bacteria parameter.
4. **“Advanced Domestic Wastewater Treatment Systems”** are those wastewater treatment systems that handle only domestic-in-nature wastes and are capable of treating nitrogen in the wastewater to or below the respective effluent limitation listed in this permit.
5. **“Annual Average Load”** means the arithmetic mean of all 30-day (or calendar month) or 90-day (or calendar quarter) average loads reported during the calendar year for a monitored parameter.
6. **“Annual Maximum 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.
7. **“Annual Maximum Limit”** means the maximum allowable discharge of a parameter during a calendar year (or defined 365 day period).
8. **“BOD<sub>5</sub>”** 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 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.
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. **“Facility”** means buildings, structures, or process equipment used in the operation of collecting, treating, or disposal of wastewater.
21. **“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.
22. **“Instantaneous”** means a single reading, observation, or measurement.
23. **“Load Limits”** are mass-based discharge limits expressed in units such as lbs/day.
24. **“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.
25. **“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.
26. **“RRV”** means Required Reporting Values (DEQ Circular 7).
27. **“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.
28. **“TSS”** means the total suspended solids parameter.
29. **“Total Inorganic Nitrogen (TIN)”** means the arithmetic sum of Nitrate + Nitrite and Ammonia.
30. **“Total Nitrogen (TN)”** means the arithmetic sum of Nitrate + Nitrite and Total Kjeldahl Nitrogen.