Major POTW
Pretreatment Program
Permit No.: MT0022012

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

AUTHORIZATION TO DISCHARGE UNDER THE
MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated (MCA) and the Federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. § 1251 *et seq.*,

Butte-Silver Bow City/County

is authorized to discharge from its **domestic wastewater treatment facilities**

located at **800 Centennial Drive, Butte, Montana**

to receiving waters named **Silver Bow Creek**

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein. Authorization for discharge is limited to those outfalls specifically listed in the permit.

This permit shall become effective: **April 1, 2012**

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

FOR THE MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Jenny Chambers

Jenny Chambers, Chief
Water Protection Bureau
Permitting & Compliance Division

Issuance Date: February 22, 2012

TABLE OF CONTENTS

Cover Sheet--Issuance and Expiration Dates

I. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS & OTHER CONDITIONS 3

A. DESCRIPTION OF DISCHARGE POINTS AND MIXING ZONE 3
B. EFFLUENT LIMITATIONS – OUTFALL 001 3
C. MONITORING REQUIREMENTS – OUTFALL 001 6
D. SPECIAL CONDITIONS 11
E. PRETREATMENT REQUIREMENTS 14

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS 24

A. REPRESENTATIVE SAMPLING 24
B. MONITORING PROCEDURES 24
C. PENALTIES FOR TAMPERING 24
D. REPORTING OF MONITORING RESULTS 24
E. COMPLIANCE SCHEDULES 25
F. ADDITIONAL MONITORING BY THE PERMITTEE 25
G. RECORDS CONTENTS 25
H. RETENTION OF RECORDS 25
I. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING 26
J. OTHER NONCOMPLIANCE REPORTING 26
K. INSPECTION AND ENTRY 27

III. COMPLIANCE RESPONSIBILITIES 28

A. DUTY TO COMPLY 28
B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS 28
C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE 28
D. DUTY TO MITIGATE 28
E. PROPER OPERATION AND MAINTENANCE 28
F. REMOVED SUBSTANCES 29
G. BYPASS OF TREATMENT FACILITIES 29
H. UPSET CONDITIONS 30

IV. GENERAL REQUIREMENTS 31

A. PLANNED CHANGES 31
B. ANTICIPATED NONCOMPLIANCE 31
C. PERMIT ACTIONS 31
D. DUTY TO REAPPLY 31
E. DUTY TO PROVIDE INFORMATION 31
F. OTHER INFORMATION 31
G. SIGNATORY REQUIREMENTS 32
H. PENALTIES FOR FALSIFICATION OF REPORTS 33
I. AVAILABILITY OF REPORTS 33
J. OIL AND HAZARDOUS SUBSTANCE LIABILITY 33
K. PROPERTY OR WATER RIGHTS 33
L. SEVERABILITY 33
M. TRANSFERS 33
N. FEES 34
O. REOPENER PROVISIONS 34

V. DEFINITIONS 36

I. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS & OTHER CONDITIONS

A. Description of Discharge Points and Mixing Zone

The authorization to discharge provided under this permit is limited to those outfalls specially designated below as discharge locations. Discharges at any location not authorized under an MPDES permit is a violation of the Montana Water Quality Act and could subject the person(s) responsible for such discharge to penalties under the Act. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge within a reasonable time from first learning of an unauthorized discharge could subject such person to criminal penalties as provided under Section 75-5-632 of the Montana Water Quality Act.

Outfall	Description
001	**Location:** At the end of the pipe, discharging into Silver Bow Creek, located at 45°59'47.65" N latitude, 112°33'47.48" W longitude. **Monitoring Location**: Discharge structure. **Mixing Zone:** The mixing zone is nearly instantaneous at the end of pipe. The maximum extent of the chronic mixing zone is 40 feet downstream for the following parameters: ammonia and metals. The maximum extent of the acute mixing zone is 40 feet downstream for the following parameters: ammonia. **Treatment Works**: 8.5 mgd complete mix activated sludge secondary treatment system with aerobic sludge digestion and ultraviolet (UV) disinfection.

B. Effluent Limitations – Outfall 001

Interim Effluent Limitations

Effective immediately and lasting through midnight December 31, 2016, the quality of effluent discharged through Outfall 001 shall, as a minimum, meet the limitations as set forth below:

Interim Effluent Limitations: Outfall 001				
Parameter	**Units**	**Average Monthly Limit (1)**	**Average Weekly Limit (1)**	**Maximum Daily Limit (1)**
5-Day Biochemical Oxygen Demand (BOD_5)	mg/L	30	45	--
	lb/day	2,127	3,190	--
Total Suspended Solids (TSS)	mg/L	30	45	--
	lb/day	2,127	3,190	--
E. coli Bacteria (2, 4)	cfu/100 mL	126	252	--
E. coli Bacteria (3,4)	cfu/100 mL	630	1,260	--
Total Nitrogen, as N (5,6)	lb/day	97	--	--
Total Phosphorus, as P	lb/day	9.7	--	--
Oil and Grease	mg/L	--	--	10

Footnotes:
1. See Definition section at end of permit for explanation of terms.
2. This limit applies during the period April 1 through October 31, annually.
3. This limit applies during the period November 1 through March 31, annually.
4. Report the geometric mean if more than one sample is collected during the reporting period.
5. Calculated as the sum of Total Kjeldahl Nitrogen (TKN) and nitrate/nitrite as N.
6. Limit applies during the period June 1 to September 30, annually.

There shall be no acute toxicity in the effluent.

Effluent pH shall remain between 6.5 and 9.0 unless a variation is due to natural biological processes. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

85 Percent (%) Removal Requirement for 5-Day Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): The arithmetic mean of the BOD_5 and TSS for effluent samples collected in a period of 30 consecutive days shall not exceed 15% of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85% removal). This is in addition to the concentration limitations on BOD_5 and TSS.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

There shall be no discharge which causes visible oil sheen in the receiving stream.

Final Effluent Limitations

Effective January 1, 2017 and lasting through the term of the permit, the quality of effluent discharged through Outfall 001 shall, as a minimum, meet the limitations as set forth below:

Final Effluent Limitations: Outfall 001				
Parameter	**Units**	**Average Monthly Limit (1)**	**Average Weekly Limit (1)**	**Maximum Daily Limit (1)**
BOD_5	mg/L	30	45	--
	lb/day	2,127	3,190	--
TSS	mg/L	30	45	--
	lb/day	2,127	3,190	--
E. coli Bacteria (2, 4)	cfu/100 mL	126	252	--
E. coli Bacteria (3,4)	cfu/100 mL	630	1,260	--
Total Ammonia, as N	mg/L	3.7	--	7.5
Total Nitrogen (5,6)	lb/day	97	--	--
Total Phosphorus as P (6)	lb/day	9.7	--	--
Oil and Grease	mg/L	--	--	10
Cadmium, Total Recoverable	µg/L	0.46	--	0.67
Copper, Total Recoverable	µg/L	12.8	--	14.0
Mercury, Total Recoverable	µg/L	0.025	--	0.05
Zinc, Total Recoverable	µg/L	122	--	151

Footnotes:
1. See Definition section at end of permit for explanation of terms.
2. This limit applies during the period April 1 through October 31, annually.
3. This limit applies during the period November 1 through March 31, annually.
4. Report the geometric mean if more than one sample is collected during the reporting period.
5. Calculated as the sum of Total Kjeldahl Nitrogen (TKN) and nitrate/nitrite as N.
6. Limit applies during the period June 1 to September 30, annually.

There shall be no acute toxicity in the effluent.

Effluent pH shall remain between 6.5 and 9.0 unless a variation is due to natural biological processes. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.

85 Percent (%) Removal Requirement for BOD_5 and TSS: The arithmetic mean of the BOD_5 and TSS for effluent samples collected in a period of 30 consecutive days shall not exceed 15% of the arithmetic mean of the values for influent samples collected at approximately the same times during the same period (85% removal). This is in addition to the concentration limitations on BOD_5 and TSS.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

There shall be no discharge which causes visible oil sheen in the receiving stream.

C. Monitoring Requirements – Outfall 001

All analytical procedures must comply with the specifications of 40 CFR Part 136. Samples shall be collected, preserved and analyzed in accordance with approved procedures listed in 40 CFR 136.

As a minimum, upon the effective date of this permit, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report (DMR) Form (EPA No. 3320-1) that no discharge or overflow occurred.

Outfall 001 Self-Monitoring Requirements				
Parameter	Unit	Sample Location	Sample Frequency	Sample Type [1]
Flow	mgd	Influent	Continuous	[2]
	mgd	Effluent	Continuous	[2]
5-Day Biochemical Oxygen Demand (BOD_5)	mg/L	Influent	5/Week	Composite
	mg/L	Effluent	5/Week	Composite
	% Removal [3]	NA	1/Month	Calculated
	lb/day	Effluent	1/Month	Calculated
Total Suspended Solids (TSS)	mg/L	Influent	5/Week	Composite
	mg/L	Effluent	5/Week	Composite
	% Removal [3]	NA	1/Month	Calculated
	lb/day	Effluent	1/Month	Calculated
pH	s.u.	Effluent	5/Week	Instantaneous
Temperature	°C	Effluent	5/Week	Instantaneous
Dissolved Oxygen	mg/L	Effluent	5/Week [4]	Instantaneous
E. coli Bacteria	cfu/100 mL	Effluent	5/Week	Grab
Total Ammonia as N	mg/L	Effluent	1/Week	Composite
Nitrate + Nitrite as N, summer [5]	mg/L	Effluent	1/Week	Composite
Total Kjeldahl Nitrogen, summer [5]	mg/L	Effluent	1/Week	Composite
Total Nitrogen as N, summer [5,6]	mg/L	NA	1/Week	Calculated
	lb/day	NA	1/Month	Calculated
Total Phosphorus as P, summer [5]	mg/L	Effluent	1/Week	Composite
	lb/day	NA	1/Month	Calculated
Oil and Grease [7]	mg/L	Effluent	1/Month	Grab
Total Dissolved Solids (TDS)	mg/L	Effluent	1/Quarter	Grab
Whole Effluent Toxicity, Acute	% Effluent	Effluent	1/Quarter [8]	Composite

Footnotes:

1. See Definition section at end of permit for explanation of terms.
2. Requires recording device or totalizer; permittee shall report daily maximum and daily average flow on DMR.
3. See narrative discussion in this section of permit for additional details.
4. Monitoring for DO required beginning January 1, 2016.
5. Required during the period June 1 through September 30, annually.
6. Calculated as the sum of Nitrate + Nitrite as N and Total Kjeldahl Nitrogen (TKN) concentrations
7. Collect a sample and analyze using EPA Method 1664, Revision A: N-Hexane Extractable Material (HEM), or equivalent, once per month and if an oil sheen is observed in the effluent.
8. Acute WET quarterly testing to be performed as further described in Part I.C.

OUTFALL 001 Self-Monitoring Requirements (Continued)

Parameter [1]	Unit	Sample Location	Sample Frequency	Sample Type	RRV [2]
Cadmium, Total Recoverable [3]	µg/L	Influent	2/Year	Composite	0.08
		Effluent	1/Month		
Copper, Total Recoverable [3]		Influent	2/Year		1
		Effluent	1/Month		
Mercury, Total Recoverable [3]		Influent	2/Year		0.1
		Effluent	1/Month		
Zinc, Total Recoverable [3]		Influent	2/Year		10
		Effluent	1/Month		
Hardness, Total (as $CaCO_3$)	mg/L	Effluent	2/Year [4]	Grab	10
Aluminum, Total Dissolved	µg/L	Effluent	2/Year [4,5]	Composite	30
Aluminum, Total Recoverable					--
Antimony, Total Recoverable					3
Arsenic, Total Recoverable					3
Beryllium, Total Recoverable					1
Chromium, Total Recoverable					1
Iron, Total Recoverable					50
Lead, Total Recoverable					0.5
Nickel, Total Recoverable					10
Selenium, Total Recoverable					1
Silver, Total Recoverable					0.5
Thallium, Total Recoverable					0.2

Footnotes:

1. Except for aluminum (dissolved), metals shall be analyzed as total recoverable.
2. Required Reporting Value (RRV) as listed in the 2010 Circular DEQ-7, except for mercury which is based on "mercury low level" analytical methods. Analytical results of less than 0.1 µg/L will be considered to be in compliance with the mercury limits.
3. Required beginning on January 1, 2017 and continuing the duration of the permit.
4. Required in third, fourth and fifth calendar year of permit cycle.
5. This information will not be entered on the DMR form; a copy of the analytical laboratory report must be attached to the DMR for the applicable reporting period.

OUTFALL 001 Self-Monitoring Requirements (Continued)				
Parameter	Unit	Sample Frequency (1)	Sample Type	RRV (2)
acrolein	µg/L	2/Year (3)	Grab	20
acrylonitrile				20
1,2-diphenylhydrazine				10
pentachlorophenol				0.05
anthracene				0.2
benzo(a)anthracene				0.1
benzo(a)pyrene				0.1
3,4-benzo-fluoranthene				0.1
benzo(k)fluoranthene				0.1
bis(2-ethylhexyl)phthalate				6
chrysene				0.1
dibenzo(a,h)anthracene				0.1
fluorene				0.25
hexachlorobenzene				0.2
hexachlorocyclopentadiene				5
indeno(1,2,3-cd) pyrene				0.1
phenanthrene				0.25
pyrene				0.25
1,2,4-trichlorobenzene				0.5
vinyl chloride				0.5
Cyanide, Total	µg/L	2/Year (4)	Grab	5
Phenols, Total				10
Volatile Organic Pollutants				(5)
Semi-Volatile, Acid Compounds				(6)
Semi-Volatile, Base Neutral				(6)

Footnotes:

1. Samples must be analyzed two (2) times per year as specified and a copy of the analytical laboratory report must be attached to the DMR for the applicable reporting period (results will not be entered into DMR forms).
2. Required Reporting Value (RRV) as listed in the 2010 Circular DEQ-7.
3. Specific organics required in second year of this permit cycle.
4. Required in third, fourth, and fifth calendar years of this permit cycle.
5. 40 CFR 122, Appendix J, Table 2, use EPA Method 1624 Revision B, or equivalent.
6. 40 CFR 122, Appendix J, Table 2, use EPA Method 1625 Revision B, or equivalent.

Reporting Requirements

Load Calculations

In addition to reporting the concentration values, the monthly loads expressed in lb/day must be calculated and reported for BOD_5, TSS, total phosphorus and total nitrogen. The monthly loads must be calculated using the average daily flow rate and daily average parameter concentration as shown in the following equations:

Load (lb/day) =
Parameter concentration (mg/l) x Effluent Flow Rate (**gpm**) x (0.012)

or

Parameter concentration (mg/l) x Effluent Flow Rate (**mgd**) x (8.34)

Percent (%) Removal

The percent removal shall be calculated using the following formula:

$$\% \text{ Removal} = \frac{[\textit{Influent Concentration}]-[\textit{Effluent Concentration}]}{[\textit{Influent Concentration}]} \times 100\%$$

Where:

Influent Concentration = Corresponding 30-Day average influent concentration based on the analytical results of the reporting period.

Effluent Concentration = Corresponding 30-Day average effluent concentration based on the analytical results of the reporting period.

Whole Effluent Toxicity Testing – Acute Toxicity

Starting in the first calendar quarter following the effective date of the permit, the permittee shall, at least once each quarter conduct an acute static replacement toxicity test on a composite sample of the effluent. Testing will employ two species per quarter and will consist of 5 effluent concentrations (100, 50, 25, 12.5, 6.25 percent effluent) and a control. Dilution water and the control shall consist of the receiving water. Samples shall be collected on a two day progression; i.e., if the first quarterly sample is on a Monday, the second quarter sample shall be on a Wednesday, etc. Saturdays, Sundays and Holidays will be skipped in the progression.

The static toxicity tests shall be conducted in general accordance with the procedures set out in the latest revision of *Methods for Measuring the Acute Toxicity of Effluent to Freshwater and Marine Organisms*, Fifth Edition, EPA 821/R-02/012, US EPA, October 2002, and the "Region VIII EPA NPDES Acute

Test Conditions-State Renewal Whole Effluent Toxicity." The permittee shall conduct an acute 48-hour static renewal toxicity test using *Ceriodaphnia* spp. and an acute 96-hour static renewal toxicity test using fathead minnows (*Pimephales promelas*). The control of pH in the toxicity test utilizing CO_2-enriched atmospheres is allowed to prevent rising pH drift. The target pH selected must represent the pH value of the receiving water at the time of sample collection.

Acute toxicity occurs when 50 percent or more mortality is observed for either species at any effluent concentration. If more than 10 percent control mortality occurs, the test is considered invalid and shall be repeated until satisfactory control survival is achieved, unless a specific individual exception is granted by the Department. This exception may be granted if less than 10 percent mortality was observed at the dilutions containing high effluent concentrations.

If acute toxicity occurs in a routine test, an additional test shall be conducted within 14 days of the date of the initial sample. Should acute toxicity occur in the second test, testing shall occur once a month until further notified by the Department. In all cases, the results of all toxicity tests must be submitted to the Department in accordance with Part II of this permit.

The quarterly results from the laboratory shall be reported along with the Discharge Monitoring Report (DMR) form submitted for the end of the reporting calendar quarter (e.g., whole effluent results for the reporting quarter ending March 31 shall be reported with the March DMR due April 28th with the remaining quarterly reports submitted with the June, September, and December DMRs). The format for the laboratory report shall be consistent with the latest revision of Region VIII Guidance for Acute Whole Effluent Reporting, and shall include all chemical and physical data as specified.

If the results for four consecutive quarters of testing indicate no acute toxicity, the permittee may automatically reduce to quarterly acute toxicity testing on only one species on an alternating basis. The test procedures are to be the same as specified above for the test species.

D. Special Conditions

1. Toxicity Reduction Evaluation / Toxicity Identification Evaluation:

   Should acute toxicity be detected in the required resample, a TIE-TRE shall be undertaken by the permittee to establish the cause of the toxicity, locate the source(s) of the toxicity, and develop control or treatment for the toxicity. Failure to initiate or conduct an adequate TIE-TRE, or delays in the conduct of such tests, shall not be considered a justification for noncompliance with the whole effluent toxicity limits contained in Part I.B of this permit. A TRE plan needs to be submitted to the Department within 45 days after confirmation of the continuance of effluent toxicity (resample).

2. Sewage Sludge:

The use or disposal of sewage sludge must be in conformance with the Environmental Protection Agency (EPA) General Permit MTG650000 or an equivalent permit issued pursuant to 40 CFR 503. A notice of intent must be filed with the EPA and the Department in accordance with the timeframes and procedures identified in the applicable permit. All materials required by the General Permit to be submitted to the Department shall be signed in accordance with Part IV.G and sent to the address provided in Part II.D of this permit.

The permittee shall not dispose of sewage sludge such that any portion thereof enters any state water, including ground water.

3. Schedule of Compliance:

a. Final Effluent Limits

BSB shall comply with the following final effluent limits by no later than January 1, 2017:

i. Ammonia; and

ii. Metal effluent limits (total recoverable cadmium, copper, mercury, and zinc).

Until the compliance date set forth above, BSB must submit an annual report summarizing their progress towards meeting each of the effluent limits to the Department. The annual report must be post-marked no later than January 28th of each year, and include actions taken in the previous year and planned actions for the upcoming year for each parameter.

b. Dissolved Oxygen (DO) Study

BSB will be required to conduct DO monitoring of their effluent five times per week beginning January 1, 2016, which is when the upgraded WWTP must be fully operational. In addition, the Department is requiring the following actions:

i. By December 31, 2016, BSB will submit a summary of the planning considerations that benefit DO concentrations in Silver Bow Creek which made during the plant upgrade. This shall include, but is not limited to:

a. Comparison of the DO concentrations at the discharge structure monitoring point with the DO concentrations at the end-of-pipe immediately prior to discharge into Silver Bow Creek. DO monitoring for this comparison should occur during different times

of day and different seasons in order to assess whether the effluent degrades in the outfall pipe.

b. Discussion of the proposed and realized change in effluent BOD_5 [including 5-day carbonaceous biochemical oxygen demand ($CBOD_5$) and nitrogenous biochemical oxygen demand (NBOD)].

c. Expected variability in WWTP effluent quality that could affect DO concentrations in Silver Bow Creek.

ii. By December 31, 2017, BSB will submit an evaluation of the effluent quality from the upgraded plant that could potentially impact DO concentration in Silver Bow Creek. In addition, BSB will assess whether, in their opinion, a DO study is necessary to evaluate RP and potentially develop effluent limits during the next permit cycle. The Department will consider this information during the next permit renewal.

4. Seasonal application of treated effluent to land application

Through this special condition, BSB is required to apply wastewater at an agronomic rate by complying with the June 30, 1999 Spray Irrigation Authorization Circular DEQ-2 review letter and any subsequent updates, as issued by the Department. In addition, BSB is required to follow Best Management Practices (BMPs) that they summarize in a facility-specific land application plan. The land application plan could include the "Wastewater Treatment Plant Land Application Operation & Maintenance Manual" prepared by Morrison-Maierle and submitted to the Department on April 1, 2009 (O&M Plan) and related Standard Operating Procedures (SOPs).

The permittee shall update and amend their plan and as needed, with a notification letter to the Department providing the date and an overview of changes. Any significant land application changes may require a new review under Circular DEQ-2.

Future Land Application Operations

BSB is required to submit a new facility-specific land application plan to the Department for any other proposed land applications. The Department must approve the new application(s), in writing, prior to BSB initiating this land application. In addition, any new land application may require a new review under Circular DEQ-2.

Land Application Plan Requirements

BSB shall maintain a land application plan(s) for any applicable land application operations. The plan shall achieve the objective to manage the

quantity and quality of the land-applied effluent to optimize vegetative uptake and reduce the risk of runoff to surface water or groundwater infiltration/percolation. It should be documented in narrative form, shall include any necessary plot plans, drawings or maps, and shall be developed in accordance with good engineering practices. The plan shall include discussion of:

a. Hydraulic Capacity

BSB must periodically evaluate the land application target hydraulic loading rate, in order to optimize crop uptake and to prevent the discharge of pollutants to state surface waters and to groundwater. BSB must also maintain records to demonstrate conformance with their plan.

b. Pollutants

BSB must periodically evaluate their target pollutant uptake and maintain records to demonstrate conformance with these rates.

c. Buffer Zones

Buffer distances are established to protect the public from unnecessary exposure to land applied wastewater and to protect drinking water supplies and surface waters. BSB is required to periodically review and maintain an appropriate buffer zone.

d. Monitoring and Recordkeeping

The permittee shall include a discussion in the plan of the parameters to be self-monitored, monitoring frequency, and triggers resulting in an action (i.e., change of application rates), as well as the recordkeeping, for the following:

a) Land applied wastewater,

b) Soil monitoring, and

c) Groundwater monitoring.

The permittee shall maintain land application records for three (3) years and make them available for inspection by Department personnel upon request.

E. <u>Pretreatment Requirements</u>

1. The permittee has been delegated primary responsibility for enforcing against discharges prohibited by 40 CFR 403.5 and applying and enforcing any national Pretreatment Standards established by the United States Environmental Protection Agency in accordance with Sections 307(b) and (c) of *The Clean Water Act6 (CWA),* as amended by *The Water Quality Act (WQA) of 1987.*

2. Implementation Requirements

The Permittee shall operate an industrial pretreatment program in accordance with the following permit requirements developed pursuant to Section 402(b)(8) of the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), and the approved pretreatment program submitted by the Permittee. BSB's pretreatment program was approved in June 1985 and has subsequently incorporated substantial modifications as approved by the Approval Authority. The approved pretreatment program, and any approved modifications thereto, is hereby incorporated by reference and shall be implemented in a manner consistent with the following requirements:

a. In accordance with 40 CFR 122.44(j)(1), identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of CWA and 40 CFR part 403;

b. Industrial user information shall be updated at a minimum of once per year or at that frequency necessary to ensure that all Industrial Users are properly permitted and/or controlled. The records shall be maintained and updated as necessary;

c. The Permittee shall sample and inspect each Significant Industrial User (SIU) at least once per calendar year. This is in addition to any industrial self-monitoring activities;

d. If the Permittee performs sampling for any SIU in lieu of required self-monitoring, then the Permittee shall perform any repeat sampling and analysis within 30 days of becoming aware of the violation unless it notifies the User of the violation and requires the User to perform the repeat analysis;

e. The Permittee shall evaluate whether each SIU needs a plan to control slug discharges within one year of being designated an SIU. Where needed, the Permittee shall require the SIU to prepare or update, and then implement the plan. Where a slug prevention plan is required, the Permittee shall ensure that the plan contains at least the minimum required elements. If required, the Permittee shall incorporate slug control requirements into the control mechanism for the SIU;

f. The Permittee shall investigate instances of non-compliance with Pretreatment Standards and requirements indicated in required reports and notices or indicated by analysis, inspection, and surveillance activities,

g. The Permittee shall enforce all applicable Pretreatment Standards and requirements and obtain remedies for noncompliance by any industrial user;

h. The Permittee shall control, through the legal authority in the approved pretreatment program, the contribution to the POTW by each industrial user to ensure compliance with applicable Pretreatment Standards and requirements. In the case of industrial users identified as significant under, this control shall be achieved through permit, order, or similar means and shall contain, at a minimum, the following conditions:

   i. Statement of duration (in no case more than five (5) years);

   ii. Statement of non-transferability without, at a minimum, prior notification to the Permittee and provision of a copy of the existing control mechanism to the new owner or operator;

   iii. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards, Categorical Pretreatment Standards, local limits, and State and local law;

   iv. Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, including documentation on BMP compliance, based on the applicable Pretreatment Standards in 40 CFR Part 403, Categorical Pretreatment Standards, local limits, BMPs, and State and local law;

   v. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond deadlines mandated by federal statute or regulation; and,

   vi. Requirements to control Slug Discharges, if determined by the POTW to be necessary.

i. The Permittee shall provide adequate staff, equipment, and support capabilities to carry out all elements of the pretreatment program;

j. The approved program shall not be substantially modified by the Permittee without the approval of the EPA. Substantial and non-substantial modifications shall follow the procedures outlined in 40 CFR Section 403.18;

k. The Permittee shall develop, implement, and maintain an enforcement response plan;

l. The Permittee shall notify all Industrial Users of the users' obligations to comply with applicable requirements under Subtitles C and D of the Resource Conservation and Recovery Act (RCRA); and

m. The Permittee shall establish, where necessary, legally binding agreements with contributing jurisdictions to ensure compliance with applicable Pretreatment requirements by industrial users within these jurisdictions. These legally binding agreements must identify the agency responsible for the Pretreatment implementation and enforcement activities in the contributing jurisdictions and outline the specific roles, responsibilities and pretreatment activities of each jurisdiction.

3. Local Limits Evaluation

The Permittee shall establish and enforce specific local limits and BMPs to implement the provisions of 40 CFR Section 403.5(a) and (b). The Permittee shall continue to develop these limits as necessary and effectively enforce such limits and BMPs.

In accordance with 40 CFR 122.44(j)(2)(ii), a technical evaluation of the need to develop or revise local limits shall be submitted to the Approval Authority within **12 months** of the effective date of the permit.

The evaluation should be conducted in accordance with EPA's "Local Limits Development Guidance" July 2004. Where the Permittee determines that revised or new local limits are necessary, the Permittee shall submit the proposed local limits to the Approval Authority in an approvable from in accordance with 40 CFR 403.18.

4. Pretreatment Sampling Requirements:

a. The Permittee shall analyze the treatment facility influent and effluent for the presence of the toxic pollutants listed in 40 CFR Part 122 Appendix D (NPDES Application Testing Requirements) Table II at least once per year and the toxic pollutants in Table III at least four times per year. If, based upon information available to the Permittee, there is reason to suspect the presence of any toxic or hazardous pollutant listed in Table V, or any other pollutant in a quantity or concentration known or suspected to adversely affect POTW operation, receiving water quality, or solids disposal procedures, analysis for those pollutants shall be performed at least four times per year on both the influent and the effluent.

i. Along with the Permittee's pretreatment annual report, the Permittee will submit a list of compounds included in Table V that are suspected or known to be present in its influent wastewater. This determination shall be based on a review of the Permittee's pretreatment program records. The EPA and/or the Department may review and comment on the list and the list may be revised if, in the opinion of the EPA and/or the Department, the list is incomplete. The Permittee will perform analysis four times per year on the influent for the revised list of compounds for which there are acceptable testing procedures.

ii. Where the pollutants monitored in accordance with this section are reported as being above the method detection limit, the results for these pollutants shall be reported in the Permittee's pretreatment annual report.

b. The Permittee shall analyze the treatment facility sludge (biosolids) prior to disposal, for the presence of the toxic pollutants listed in 40 CFR Part 122 Appendix D (NPDES Application Testing Requirements) Table III at least once per year. If the Permittee does not dispose of biosolids during the calendar year, the Permittee shall certify to that in the Pretreatment Annual Report and the monitoring requirements in this paragraph shall be suspended for that calendar year.

i. The Permittee shall review the pollutants in 40 CFR Part 122, Appendix D, Tables II and V. If any of the pollutants in these tables were above detection in the influent samples during the previous two years or last two analyses, whichever is greater, the Permittee shall sample and analyze its' sewage sludge for these pollutants. The Permittee shall perform this evaluation and analysis at least once per year. Pollutants that are analyzed by method 601, Purgeable Halocarbons, are excluded from this requirement.

ii. The Permittee shall use sample collection and analysis procedures as approved for use under 40 CFR Part 503.

iii. The Permittee shall report the results for these pollutants in the Permittee's pretreatment annual report.

c. All analyses shall be in accordance with test procedures established in 40 CFR Part 136. Where analytical techniques are not specified or approved under 40 CFR Part 136, the Permittee shall use its best professional judgment and guidance from the State and EPA regarding analytical procedures. All analytical procedures and method detection limits must be specified when reporting the results of such analyses.

d. Sampling methods shall be those defined in 40 CFR Part 136, 40 CFR Part 403, as defined in this permit, or as specified by the Approval Authority.

Where sampling methods are not specified, the influent and effluent samples collected shall be composite samples consisting of at least twelve (12) aliquots collected at approximately equal intervals over a representative 24-hour period and composited according to flow. Where automated composite sampling is inappropriate, at least four (4) grab samples shall be manually taken at equal intervals over a representative 24-hour period, and composited prior to analysis using approved methods; alternatively, the individual grab samples may be analyzed separately and the results from the respective grab samples mathematically combined based on flow (i.e., flow weighted) for the final result.

5. Annual Report Requirements

a. The Permittee shall prepare annually a list of industrial users which, during the preceding twelve (12) months, have significantly violated Pretreatment Standards or Requirements. This list is to be published annually in the largest newspaper in the Permittee's service area.

In addition, on or before March 28, the Permittee shall submit a pretreatment program annual report to the EPA and the Department which contains the information requested by EPA, or at a minimum the following information:

i. An updated list of all Significant Industrial Users. For each SIU listed, the following information shall be included:

(A) All applicable Standard Industrial Classification (SIC) codes and categorical determinations, as appropriate. In addition, a brief description of the industry and general activities;

(B) Permit status. Whether each significant Industrial User has an unexpired control mechanism and an explanation as to why any SIUs are operating without a current, unexpired control mechanism (e.g. permit);

(C) A summary of all monitoring activities performed within the previous twelve (12) months. The following information shall be reported:

Total number of Significant Industrial Users inspected; and
Total number of Significant Industrial Users sampled

ii. For all industrial users that were in Significant Non-Compliance during the previous twelve (12) months, provide the name of the violating industrial user, indicate the nature of the violations, the type and number of actions taken (warning letter, notice of violation, administrative order, criminal or civil suit, fines or penalties collected, etc.) and current compliance status. Indicate if the company returned to compliance and the date compliance was attained. Determination of Significant Non-Compliance shall be performed.

iii. A summary of all enforcement actions not covered by the paragraph above conducted in accordance with the approved Enforcement Response Plan;

iv. A list of all SIUs whose authorization to discharge was terminated or revoked during the preceding twelve (12) month period and the reason for termination;

v. A report on any Interference, Pass Through, upset or MPDES permit violations known or suspected to be caused by non-domestic discharges of pollutant and actions taken by the Permittee in response;

vi. Verification of publication of industrial users in Significant Non-compliance;

vii. Identification of the specific locations, if any, designated by the Permittee for receipt (discharge) of trucked or hauled waste;

viii. Information as required by the EPA or the Department on the discharge to the POTW from the following activities:

1) Groundwater cleanup from underground storage tanks;
2) Trucked or hauled waste; and,
3) Groundwater cleanup from RCRA or Superfund sites.

ix. A description of all changes made during the previous calendar year to the Permittee's pretreatment program that were not submitted as substantial or non-substantial modifications to the EPA;

x. The Permittee shall evaluate actual pollutants loadings against the approved Maximum Allowable Headworks Loadings (MAHLs). Where the actual loading exceeds the MAHL, the Permittee shall immediately begin a program to either revise the existing local limit and/or undertake such other studies as

necessary to evaluate the cause(s) of the exceedence. The Permittee shall provide a summary of its intended action.

xi. Other information that may be deemed necessary by EPA.

6. General Prohibitions

The Permittee shall prohibit the introduction of the following pollutants into the POTW:

i. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;

ii. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works are specifically designed to accommodate such discharges;

ii. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

iii. Any pollutant, including oxygen demanding pollutants (e.g., BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW:

iv. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;

v. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;

vi. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

vii. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and

viii. Any specific pollutant which exceeds a local limitation established by the POTW in accordance with the requirements of 40 CFR Section 403.5(c) and (d);

ix. Any pollutant which may cause Pass Through or Interference.

7. Notification Requirements

a. The Permittee must notify the EPA and the Department of any new introductions by new or existing industrial users or any substantial change in pollutants from any industrial user within sixty (60) days following the introduction or change, as required in 40 CFR 122.42(b)(1-3). Such notice must identify:

i. Any new introduction of pollutants into the POTW from an industrial user which would be subject to Sections 301, 306, and 307 of the Act if it were directly discharging those pollutants; or

ii. Any substantial change in the volume or character of pollutants being introduced into the POTW by any industrial user. For the purposes of this section, "substantial change" shall mean a level of change which has a reasonable probability of affecting the Permittee's ability to comply with its permit conditions or to cause a violation of stream standards applied to the receiving water.

iii. For the purpose of this section, adequate notice shall include information on:

1) The identity of the industrial user;
2) The nature and concentration of pollutants in the discharge and the average and maximum flow of the discharge to be introduced into the POTW; and
3) Any anticipated impact of the change on the quantity or quality of effluent to be discharged from or biosolids produced at such POTW.

8. Approval Authority Enforcement

a. Section 309(f) of the Act provides that the EPA may issue a notice to the POTW stating that a determination has been made that appropriate enforcement action must be taken against an industrial user for noncompliance with any Pretreatment Standards and requirements. The notice provides the POTW with thirty (30) days to commence such action. The issuance of such permit notice shall not be construed to limit the authority of the permit issuing authority or Approval Authority.

b. The EPA and the Department retains, at all times, the right to take legal action against the industrial contributor for violations of a permit issued by the Permittee, violations of any Pretreatment Standard or requirement, or for failure to discharge at an acceptable level under national standards issued by EPA under 40 CFR, chapter I, subchapter N. In those cases where a MPDES permit violation has occurred because of the failure of the Permittee to properly develop and enforce Pretreatment Standards and Requirements as necessary to protect the POTW, EPA and/or the Department shall hold the Permittee responsible and may take legal action against the Permittee as well as the Indirect Discharger(s) contributing to the permit violation.

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. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to use-disposal practice.

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. See Part I.C of this permit for any applicable sludge monitoring procedures. 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

Effluent monitoring results obtained during the previous month(s) shall be summarized for each month and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. Whole effluent toxicity (biomonitoring) results must be reported with copies of the laboratory analysis report on forms from the most recent version of EPA Region VIII's "Guidance for Whole Effluent Reporting". If no discharge occurs during the reporting period, "no discharge" shall be reported on the report form. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the "Signatory Requirements" (see Part IV.G of this permit), and submitted to the Department at the following addresses:

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

(b) U.S. Environmental Protection Agency Region 8 MT Office
10 W. 15th Street
Suite 3200
Helena, Montana 59626
Phone: (406) 457-5000

E. Compliance Schedules
Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. Additional Monitoring by the Permittee
If the permittee monitors any pollutant more frequently than required by this permit, using approved analytical methods as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

G. Records Contents
Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;

2. The initials or name(s) of the individual(s) who performed the sampling or measurements;

3. The date(s) analyses were performed;

4. The time analyses were initiated;

5. The initials or name(s) of individual(s) who performed the analyses;

6. References and written procedures, when available, for the analytical techniques or methods used; and

7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

H. Retention of Records
The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this MPDES 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 incident 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;

   b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G of this permit, "Bypass of Treatment Facilities"); or

   c. Any upset which exceeds any effluent limitation in the permit (See Part III.H of this permit, "Upset Conditions").

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, (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 Regional Administrator, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance, any substances or parameters at any location.

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 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 and the Director 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" and Part III.H of this permit, "Upset Conditions", nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. 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. Sludge shall not be directly blended with or enter the final plant discharge and/or waters of the United States.

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 ten (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 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 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.

H. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of Part III.H.2 of this permit are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review (i.e., Permittees will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with technology-based permit effluent limitations).

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and that the permittee can identify the cause(s) of the upset;

   b. The permitted facility was at the time being properly operated;

   c. The permittee submitted notice of the upset as required under Part II.I of this permit, "Twenty-four Hour Notice of Noncompliance Reporting"; and

   d. The permittee complied with any remedial measures required under Part III.D of this permit, "Duty to Mitigate".

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

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.

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 modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application must be submitted at least 180 days before the expiration date of this permit.

E. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information 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 or the EPA shall be signed and certified.

1. All permit applications shall be signed by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is considered a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to the Department; and

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

3. Changes to authorization. If an authorization under Part IV.G.2 of this permit is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.G.2 of this permit must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. Penalties for Falsification of Reports
The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more that $25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

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

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

K. Property 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 in the receiving stream are exceeded either for parameters included in the permit or others, the department may modify the effluent limits or water management plan.

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

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

5. Sewage Sludge: There have been substantial changes (or such changes are planned) in sludge use or disposal practices; applicable management practices or numerical limitations for pollutants in sludge have been promulgated which are more stringent than the requirements in this permit,

and/or it has been determined that the permittee's sludge use or disposal practices do not comply with existing applicable state or federal regulations.

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

7. Toxicity Limitations: Change in the whole effluent protocol, or any other conditions related to the control of toxicants have taken place, or if one or more of the following events have occurred:

   a. Toxicity was detected late in the life of the permit near or past the deadline for compliance.

   b. The TRE/TIE results indicated that compliance with the toxic limits will require an implementation schedule past the date for compliance.

   c. The TRE/TIE results indicated that the toxicant(s) represent pollutants(s) that may be controlled with specific numerical limits.

   d. Following the implementation of numerical controls on toxicants, a modified whole effluent protocol is needed to compensate for those toxicants that are controlled numerically.

   e. The TRE/TIE revealed other unique conditions or characteristics which, in the opinion of the Department, justify the incorporation of unanticipated special conditions in this permit.

V. DEFINITIONS

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

2. **"Administrator"** means the administrator of the United States Environmental Protection Agency.

3. **"Acute Toxicity"** occurs when 50 percent or more mortality is observed for either species (See Part I.C of this permit) at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.

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

5. **"Approval Authority"** means the EPA Regional Administrator.

6. **"Arithmetic Mean" or "Arithmetic Average"** for any set of related values means the summation of the individual values divided by the number of individual values.

7. **"Average monthly limitation"** means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

8. **"Average weekly limitation"** means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

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

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

11. **"$CBOD_5$"** means the five-day measure of pollutant parameter carbonaceous biochemical oxygen demand.

12. **"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.

13. **"Daily Discharge"** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

14. **"Daily Maximum Limit"** means the maximum allowable discharge of a pollutant during a calendar day. Expressed as units of mass, the daily discharge is cumulative mass discharged over the course of the day. Expressed as a concentration, it is the arithmetic average of all measurements taken that day.

15. **"Department"** means the Montana Department of Environmental Quality (DEQ). Established by 2-15-3501, MCA.

16. **"Director"** means the Director of the Montana Department of Environmental Quality.

17. **"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.

18. **"EPA"** means the United States Environmental Protection Agency.

19. **"Federal Clean Water Act"** means the federal legislation at 33 USC 1251, *et seq.*

20. **"Geometric Mean"** means the value obtained by taking the Nth root of the product of the measured values.

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. **"Indirect discharge"** means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Federal Clean Water Act.

23. **"Industrial User"** means a source of Indirect Discharge.

24. **"Instantaneous Maximum Limit"** means the maximum allowable concentration of a pollutant determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.

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

26. **"Interference"** means a discharge which, alone or in conjunction with other contributing discharges

    a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

    b. Therefore causes a violation of any requirement of the POTW's MPDES permit (including an increase in the magnitude or duration of a violation) or causes the prevention of sewage sludge use or disposal in compliance with the following statutes and regulations: Section 405 of the Clean Water Act; 40 CFR Part 503 - Standards for the Use and Disposal of Sewage Sludge; Resource Conservation and Recovery Act (RCRA); 40 CFR Part 258 - Criteria for Municipal Solid Waste Landfills; and/or any State regulations regarding the disposal of sewage sludge.

27. **"Maximum daily discharge limitation"** means the highest allowable daily discharge.

28. **"Minimum Level"** (ML) of quantitation means the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration point for the analyte, as determined by the procedure set forth at 40 CFR 136. In most cases the ML is equivalent to the Required Reporting Value (RRV) unless other wise specified in the permit. (ARM 17.30.702(22))

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

30. **"Nondegradation"** means the prevention of a significant change in water quality that lowers the quality of high-quality water for one or more parameters. Also, the prohibition of any increase in discharge that exceeds the limits established under or determined from a permit or approval issued by the Department prior to April 29, 1993.

31. **"Pass through"** means a discharge which exits the POTW into waters of the State of Montana in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of any requirement of the POTW's MPDES permit (including an increase in the magnitude or duration of a violation).

32. **"POTW"** means a publicly owned treatment works.

33. **"Regional Administrator"** means the administrator of Region VIII of EPA, which has jurisdiction over federal water pollution control activities in the state of Montana.

34. **"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.

35. **"Sewage Sludge"** means any solid, semi-solid or liquid residue generated during the treatment of domestic sewage and/or a combination of domestic sewage and industrial waste of a liquid nature in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the incineration of sewage sludge or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

36. **"TIE"** means a toxicity identification evaluation.

37. **"TMDL"** means the total maximum daily load limitation of a parameter, representing the estimated assimilative capacity for a water body before other designated uses are adversely affected. Mathematically, it is the sum of wasteload allocations for point sources, load allocations for non-point and natural background sources, and a margin of safety.

38. **"TRE"** means a toxicity reduction evaluation.

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

40. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.