Major Industrial
Permit No.: MT0030066

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.*,

Columbia Falls Aluminum Company, LLC

is authorized to discharge from its **Columbia Falls Aluminum Company**

located at **2000 Aluminum Drive, Columbia Falls, MT**

to receiving waters named, **ground water discharging to the Flathead River**

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: **September 1, 2014.**

This permit and the authorization to discharge shall expire at midnight, **August 31, 2019.**

FOR THE MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Jon Kenning, Chief
Water Protection Bureau
Permitting & Compliance Division

Issuance Date: July 25, 2014

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I. EFFLUENT LIMITATIONS, MONITORING REQUIREMENTS & OTHER CONDITIONS

A. Description of Discharge Points and Mixing Zones

The authorization to discharge provided under this permit is limited to 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	Located at:
002 - Anode Paste Plant Briquette Cooling Water (Internal Monitoring Point)		
	Location: Internal monitoring point at tank after end of the main briquette cooling belt, prior to dilution.	48°23'43.9"N latitude, -114°8'9.9"W longitude
	Mixing Zone: None	
	Treatment Works: 0.525 million gallons per day (mgd) average flow. No treatment.	
004 - Aluminum Casting Contact Chilling Water (Internal Monitoring Point)		
	Location: Internal monitoring point at one of three casting pits, prior to dilution.	48°23'34.5"N latitude, -114°8'5.3"W longitude
	Mixing Zone: None	
	Treatment Works: 1.6 mgd average flow. No treatment.	
005 - Domestic Sewage Treatment (Internal Monitoring Point)		
	Location: Internal monitoring point at end of package sewage treatment plant, prior to dilution.	48°23'24.9"N latitude, -114°8'18.1"W longitude
	Mixing Zone: None	
	Treatment Works: 0.062 mgd average flow. Solids removal, aeration, chlorination.	
006 – Ground Water Seep		
	Location: Daylighting of ground water at discrete seep which discharges to Flathead River.	48°23'22"N latitude, -114°8'29"W longitude
	Mixing Zone: Granted chronic dilution of 10%, no acute dilution. (See mixing zone delineation in Figure 1.)	
	Treatment Works: Unknown average flow. No treatment.	
007 – North Ponds		
	Location: At the end of the pipe/ditch discharging into the North Ponds, which ultimately discharges to the Flathead River.	48°23'47.0"N latitude, -114°8'14.1"W longitude
	Mixing Zone: Granted chronic dilution of 10%, no acute dilution. (See mixing zone delineation in Figures 2 & 3.)	
	Treatment Works: 1.81 mgd. No treatment.	

Outfall	Description	Located at:
008 – North Ponds		
	Location: At the end of the pipe/ditch discharging into the North Ponds, which ultimately discharges to the Flathead River.	48°23'46.8"N latitude, -114°8'4.5"W longitude
	Mixing Zone: Granted chronic dilution of 10%, no acute dilution.	
	Treatment Works: 0.009 mgd. No treatment.	
009 – South Ponds		
	Location: At the end of the pipe/ditch discharging into the South Ponds, which ultimately discharges to the Flathead River.	48°23'20.3"N latitude, -114°8'19.3"W longitude
	Mixing Zone: Granted chronic dilution of 10%, acute dilution only for ammonia and chlorine. (See mixing zone delineation in Figures 2&3.)	
	Treatment Works: 2.5 mgd. No treatment other than the sewage treatment plant (Outfall 005).	
010 – West Pond		
	Location: At the end of the pipe/ditch discharging into the West Pond, which ultimately discharges to the Flathead River.	48°23'38.0"N latitude, -114°8'26.0"W longitude
	Mixing Zone: Granted chronic dilution of 10%, no acute dilution.	
	Treatment Works: 0.00012 mgd. No treatment.	
011 – Dry Wells		
	Location: At the end of the pipe/ditch discharging into dry wells, which ultimately discharge to the Flathead River.	48°23'43.7"N latitude, -114°8'6.0"W longitude
	Mixing Zone: Granted chronic dilution of 10%, no acute dilution.	
	Treatment Works: 0.00004 mgd. No treatment.	
012 – Dry Well		
	Location: At the end of the pipe/ditch discharging into a dry well, which ultimately discharges to the Flathead River.	48°23'34.2"N latitude, -114°8'16.6"W longitude
	Mixing Zone: Granted chronic dilution of 10%, no acute dilution.	
	Treatment Works: 0.014 mgd. No treatment.	
013 – Head Tank Cleaning		
	Location: At the end of the pipe discharging to the ground, which ultimately discharges to the Flathead River.	48°23'28.9"N latitude, -114°7'37.6"W longitude
	Mixing Zone: Granted chronic dilution of 10%, acute dilution of 1%. (See mixing zone delineation in Figures 2&3.)	
	Treatment Works: 0.0005 mgd. No treatment.	

B. Effluent Limitations

Outfall 002 - Anode Casting Internal Monitoring Point

The quality of effluent discharged to Outfall 002 shall, as a minimum, meet the limitations as set forth below, depending upon the number of lines in production.

Effluent Limits for Outfall 002			
Parameter and Parameter Code	Units	Daily Max.	Monthly Ave.
Full Production – 5 Potlines			
Benzo(a)pyrene (34247)	kg/day	0.003	0.001
Aluminum, Total Recoverable (01104)	kg/day	0.600	0.207
Antimony, Total Recoverable (01268)	kg/day	0.189	0.066
Nickel, Total Recoverable (01074)	kg/day	0.054	0.028
Fluoride (00949)	kg/day	5.84	2.01
Total Suspended Solids (TSS) (51530)	kg/day	1,846	695
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	
4 Potlines			
Benzo(a)pyrene (34247)	kg/day	0.003	0.00088
Aluminum, Total Recoverable (01104)	kg/day	0.600	0.165
Antimony, Total Recoverable (01268)	kg/day	0.189	0.053
Nickel, Total Recoverable (01074)	kg/day	0.054	0.022
Fluoride (00949)	kg/day	5.84	1.61
Total Suspended Solids (TSS) (51530)	kg/day	1,477	556
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	
3 Potlines			
Benzo(a)pyrene (34247)	kg/day	0.003	0.00066
Aluminum, Total Recoverable (01104)	kg/day	0.600	0.124
Antimony, Total Recoverable (01268)	kg/day	0.189	0.039
Nickel, Total Recoverable (01074)	kg/day	0.054	0.017
Fluoride (00949)	kg/day	5.84	1.21
Total Suspended Solids (TSS) (51530)	kg/day	1,107	417
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	
2 Potlines			
Benzo(a)pyrene (34247)	kg/day	0.003	0.00044
Aluminum, Total Recoverable (01104)	kg/day	0.600	0.083
Antimony, Total Recoverable (01268)	kg/day	0.189	0.026
Nickel, Total Recoverable (01074)	kg/day	0.054	0.011
Fluoride (00949)	kg/day	5.84	0.806
Total Suspended Solids (TSS) (51530)	kg/day	738	278
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	
1 Potline			
Benzo(a)pyrene (34247)	kg/day	0.003	0.00022
Aluminum, Total Recoverable (01104)	kg/day	0.600	0.041
Antimony, Total Recoverable (01268)	kg/day	0.189	0.013
Nickel, Total Recoverable (01074)	kg/day	0.054	0.0056
Fluoride (00949)	kg/day	5.84	0.403
Total Suspended Solids (TSS) (51530)	kg/day	369	139
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	

As the facility is in shutdown mode at the time of renewal, the effluent limits for Outfall 002 are '0.' Any time production changes the facility must provide a 30-day advance notice to DEQ. At that time, the effluent limits for the anode casting plant corresponding to the appropriate level of production will be effective.

Outfall 004 – Aluminum Chilling Internal Monitoring Point

The quality of effluent discharged to Outfall 004 shall, as a minimum, meet the limitations as set forth below for the T-Bar Casting line and the Sow Casting line, depending upon the number of lines in production.

Effluent Limits for Outfall 004 (Internal Monitoring for T-Bar Casting)			
Parameter and Parameter Code	Units	Daily Max.	Ave. Monthly
Full Production – 5 Potlines			
Benzo(a)pyrene (34247)	kg/day	No Discharge	
Aluminum, Total Recoverable (01104)	kg/day	5.00	1.67
Antimony, Total Recoverable (01268)	kg/day	1.58	0.53
Nickel, Total Recoverable (01074)	kg/day	0.45	0.23
Fluoride (00949)	kg/day	48.65	16.27
Total Suspended Solids (TSS) (51530)	kg/day	1,846	695
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	
4 Potlines			
Benzo(a)pyrene (34247)	kg/day	No Discharge	
Aluminum, Total Recoverable (01104)	kg/day	4.00	1.34
Antimony, Total Recoverable (01268)	kg/day	1.26	0.42
Nickel, Total Recoverable (01074)	kg/day	0.36	0.18
Fluoride (00949)	kg/day	38.92	13.01
Total Suspended Solids (TSS) (51530)	kg/day	1,477	556
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	
3 Potlines			
Benzo(a)pyrene (34247)	kg/day	No Discharge	
Aluminum, Total Recoverable (01104)	kg/day	3.00	1.00
Antimony, Total Recoverable (01268)	kg/day	0.95	0.32
Nickel, Total Recoverable (01074)	kg/day	0.27	0.14
Fluoride (00949)	kg/day	29.19	9.76
Total Suspended Solids (TSS) (51530)	kg/day	1,107	417
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	
2 Potlines			
Benzo(a)pyrene (34247)	kg/day	No Discharge	
Aluminum, Total Recoverable (01104)	kg/day	2.00	0.67
Antimony, Total Recoverable (01268)	kg/day	0.63	0.21
Nickel, Total Recoverable (01074)	kg/day	0.18	0.091
Fluoride (00949)	kg/day	19.46	6.51
Total Suspended Solids (TSS) (51530)	kg/day	738	278
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	

Effluent Limits for Outfall 004 (Internal Monitoring for T-Bar Casting)			
Parameter and Parameter Code	Units	Daily Max.	Ave. Monthly
1 Potline			
Benzo(a)pyrene (34247)	kg/day	No Discharge	
Aluminum, Total Recoverable (01104)	kg/day	1.00	0.33
Antimony, Total Recoverable (01268)	kg/day	0.32	0.11
Nickel, Total Recoverable (01074)	kg/day	0.09	0.046
Fluoride (00949)	kg/day	9.73	3.25
Total Suspended Solids (TSS) (51530)	kg/day	369	139
pH (00400)	s.u.	Between 6.0 – 9.0 at all times	

Effluent Limits for Outfall 004 (Internal Monitoring for Sow Casting)			
Parameter and Parameter Code	Units	Daily Max.	Ave. Monthly
2.5 Potline-Equivalents			
Benzo(a)pyrene (34247)	kg/day	No Discharge	
Aluminum, Total Recoverable (01104)	kg/day	2.50	0.84
Antimony, Total Recoverable (01268)	kg/day	0.79	0.27
Nickel, Total Recoverable (01074)	kg/day	0.23	0.11
Fluoride (00949)	kg/day	24.33	8.13
Oil and Grease (00182)	kg/day	4.09	3.08
Total Suspended Solids (TSS) (51530)	kg/day	6.13	3.70
pH (00400)	s.u.	(1)	

Footnotes:
1. The pH shall be maintained within the range of 7.0 to 10.0 at all times except for those situations when this waste is discharged separately and without commingling with any other wastewater in which case the pH shall be within the range of 6.0 to 10.0 at all times.

As the facility is in shutdown mode at the time of renewal, the effluent limits for Outfall 004 are '0.' Any time production changes the facility must provide a 30-day advance notice to DEQ. At that time, the effluent limits corresponding to the appropriate level of production will be effective. A total of no more than five pot lines (both T-bar and sow) may be in operation on any day.

Outfall 005 – Sewage Treatment Plant

Effective immediately, the following limits apply after the sewage treatment plant:

Effluent Limits for Outfall 005 – Sewage Treatment Plant Effluent Limits			
Parameter and Parameter Code	Units	Average Weekly Limitation	Average Monthly Limitation
5-day Biochemical Oxygen Demand (BOD_5) (00310)	mg/L	45	30
Total Suspended Solids (TSS) (51530)	mg/L	45	30
pH (00400)	s.u.	Between 6.0 to 9.0 at all times	

Outfall 006 – Ground Water Seep

Effective immediately and lasting the duration of this permit, the following effluent limits will apply to Outfall 006 at the ground water seep prior to discharge into the Flathead River:

Effluent Limits for Outfall 006			
Parameter	Units	Daily Max	Ave. Monthly
Aluminum, Dissolved	µg/L	143	71
Cyanide	µg/L	22	11

In addition, there shall be no acute toxicity in the effluent discharged by the facility from Outfall 006.

Outfall 007 – North Ponds

Effective immediately and lasting the duration of this permit, the following effluent limits will apply to Outfall 007 at the end of the pipe prior to discharge into the North Pond system:

Effluent Limits for Outfall 007			
Parameter	Units	Daily Max	Ave. Monthly
Aluminum, Dissolved	µg/L	152	49
Cyanide	µg/L	22	11

Outfall 009 – South Ponds

Effective immediately and lasting the duration of this permit, other than ammonia which is effective January 1, 2017, the following effluent limits will apply to Outfall 009 at the end of the pipe prior to discharge into the South Pond system:

Effluent Limits for Outfall 009			
Parameter	Units	Daily Max	Ave. Monthly
Aluminum, Dissolved	µg/L	118	78
Cyanide	µg/L	19	9.5
Ammonia (1)	mg/L	13.5	6.7
Footnote: 1. The ammonia limits become effective **January 1, 2017**.			

Outfall 013 – Head Tank Cleaning

Effective immediately and lasting the duration of this permit, the following effluent limits will apply to Outfall 013 at the end of the pipe prior to discharge onto the ground: TRC will be limited to <0.1 mg/L.

C. Monitoring Requirements

1. Effluent Monitoring Requirements

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 Form (EPA No. 3320-1) that no discharge or overflow occurred.

All analytical procedures must comply with the specifications of 40 CFR Part 136 and the analysis must meet any Required Reporting Values (RRVs) listed in Circular DEQ-7 unless otherwise specified. Samples shall be collected, preserved and analyzed in accordance with approved procedures listed in 40 CFR 136.

Outfall 002 - Anode Casting Internal Monitoring Point

Outfall 002 - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency (1)	Type
Flow	mgd	Continuous	Instantaneous
Duration of Discharge	# days	Daily	Calculated
Aluminum, Total Recoverable	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Antimony, Total Recoverable	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Nickel, Total Recoverable	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Benzo(a)pyrene	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Fluoride	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Total Suspended Solids	mg/L	Monthly	Composite
	kg/day	Monthly	Calculated
pH	s.u.	Monthly	Instantaneous
Cyanide	µg/L	Quarterly	Grab

Footnotes:
1. Monitoring required only during periods of discharge.

Outfall 004 – Aluminum Chilling Internal Monitoring Point

Outfall 004 - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency (1)	Type
Flow	mgd	Continuous	Instantaneous
Duration of Discharge	# days	Daily	Calculated
Aluminum, Total Recoverable	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Antimony, Total Recoverable	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Nickel, Total Recoverable	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Benzo(a)pyrene	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Fluoride	µg/L	Monthly	Composite
	kg/day	Monthly	Calculated
Total Suspended Solids	mg/L	Monthly	Composite
	kg/day	Monthly	Calculated
pH	s.u.	Monthly	Instantaneous
Oil & Grease	mg/L	Monthly	Grab
Cyanide	µg/L	Quarterly	Grab

Footnotes:
1. Monitoring required only during periods of discharge.

Outfall 005 – Sewage Treatment Plant

Outfall 005 - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency	Type
Flow	mgd	Continuous	Instantaneous
5-Day Biochemical Oxygen Demand (BOD_5)	mg/L	Monthly	Grab
Total Suspended Solids	mg/L	Monthly	Grab
pH	s.u.	Monthly	Instantaneous

Outfall 006 – Ground Water Seep

Outfall 006 Ground Water Seep - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency (1)	Type
Flow	mgd	Monthly	Estimate
Aluminum, Dissolved	µg/L	Monthly	Grab
Cyanide	µg/L	Monthly	Grab
pH	s.u.	Semi-annual	Instantaneous
Antimony, Total Recoverable	µg/L	Semi-annual	Grab
Benzo(a)pyrene	µg/L	Semi-annual	Grab
Nickel, Total Recoverable	µg/L	Semi-annual	Grab
Fluoride	µg/L	Semi-annual	Grab
WET – Two Species	Pass/Fail	Quarterly (2)	Grab

Footnotes:
1. Monitoring required immediately upon the effective date of this permit.
2. WET sampling is required starting the first full calendar quarter following the effective date of the permit. If the results for four consecutive quarters of testing indicate no acute toxicity, the permittee may request a reduction to quarterly acute toxicity testing on only one species on an alternating basis.

Outfall 007 – North Ponds

Outfall 007 North Ponds - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency	Type
Flow (1)	mgd	Continuous	Instantaneous
Duration of Discharge	# days	Daily	Calculated
Aluminum, Dissolved	µg/L	Monthly	Grab
Cyanide	µg/L	Monthly	Grab
Oil & Grease	mg/L	Semi-annual	Grab
pH	s.u.	Semi-annual	Instantaneous
Antimony, Total Recoverable	µg/L	Semi-annual	Grab
Benzo(a)pyrene	µg/L	Semi-annual	Grab
Copper, Total Recoverable	µg/L	Semi-annual	Grab
Nickel, Total Recoverable	µg/L	Semi-annual	Grab
Fluoride	µg/L	Semi-annual	Grab

Footnotes:
1. Effective immediately, the discharge flow rate for Outfall 007 must be provided by either a monitor or an estimate. Upon initializing production, the discharge flow rate must be provided by monitoring.

Outfall 008 – North Ponds

Outfall 008 North Ponds - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency	Type
Flow [1]	mgd	Continuous	Instantaneous
Duration of Discharge	# days	Daily	Calculated
TSS	mg/L	Semi-annual	Grab
pH	s.u.	Semi-annual	Instantaneous
Aluminum, Dissolved	µg/L	Semi-annual	Grab
Benzo(a)pyrene	µg/L	Semi-annual	Grab
Cyanide	µg/L	Semi-annual	Grab
Antimony, Total Recoverable	µg/L	Semi-annual	Grab
Copper, Total Recoverable	µg/L	Semi-annual	Grab
Nickel, Total Recoverable	µg/L	Semi-annual	Grab
Fluoride	µg/L	Semi-annual	Grab

Footnotes:

1. Effective immediately, the discharge flow rate for Outfall 008 must be provided by either a monitor or an estimate. Upon initializing production, the discharge flow rate must be provided by monitoring.

Outfall 009 – South Ponds

Outfall 009 South Ponds - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency	Type
Flow [1]	mgd	Continuous	Instantaneous
Duration of Discharge	# days	Daily	Calculated
Aluminum, Dissolved	µg/L	Monthly	Grab
Cyanide	µg/L	Monthly	Grab
Ammonia	mg/L	Monthly	Grab
pH	s.u.	Semi-annual	Instantaneous
Oil & Grease	mg/L	Semi-annual	Grab
Chlorine, Total Residual	µg/L	Semi-annual	Grab
E. coli bacteria	cfu/100 mL	Semi-annual	Grab
Antimony, Total Recoverable	µg/L	Semi-annual	Grab
Benzo(a)pyrene	µg/L	Semi-annual	Grab
Copper, Total Recoverable	µg/L	Semi-annual	Grab
Fluoride	µg/L	Semi-annual	Grab
Nickel, Total Recoverable	µg/L	Semi-annual	Grab
Nitrate + Nitrite	mg/L	Semi-annual	Grab
Total Kjeldahl Nitrogen	mg/L	Semi-annual	Grab
Total Nitrogen	mg/L	Semi-annual	Calculated
Total Phosphorus	mg/L	Semi-annual	Grab

Footnotes:

1. Effective immediately, the discharge flow rate for Outfall 009 must be provided by either a monitor or an estimate. Upon initializing production, the discharge flow rate must be provided by monitoring.

Outfall 010 – West Pond

Outfall 010 - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency	Type
Flow [1]	mgd	Continuous	Instantaneous
Duration of Discharge	# days	Daily	Calculated
pH	s.u.	Semi-annual	Instantaneous
Aluminum, Dissolved	µg/L	Semi-annual	Grab
Benzo(a)pyrene	µg/L	Semi-annual	Grab
Cyanide	µg/L	Semi-annual	Grab
Antimony, Total Recoverable	µg/L	Semi-annual	Grab
Copper, Total Recoverable	µg/L	Semi-annual	Grab
Iron, Total Recoverable	µg/L	Semi-annual	Grab
Nickel, Total Recoverable	µg/L	Semi-annual	Grab
Fluoride	µg/L	Semi-annual	Grab

Footnotes:

1. Effective immediately, the discharge flow rate for Outfall 010 must be provided by either a monitor or an estimate. Upon initializing production, the discharge flow rate must be provided by monitoring.

Outfall 011 – Dry Wells

Outfall 011 - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency	Type
Flow [1]	mgd	Continuous	Instantaneous
Duration of Discharge	# days	Daily	Calculated
pH	s.u.	Semi-annual	Instantaneous
Aluminum, Dissolved	µg/L	Semi-annual	Grab
Benzo(a)pyrene	µg/L	Semi-annual	Grab
Cyanide	µg/L	Semi-annual	Grab
Antimony, Total Recoverable	µg/L	Semi-annual	Grab
Copper, Total Recoverable	µg/L	Semi-annual	Grab
Iron, Total Recoverable	µg/L	Semi-annual	Grab
Nickel, Total Recoverable	µg/L	Semi-annual	Grab
Fluoride	µg/L	Semi-annual	Grab

Footnotes:

1. Effective immediately, the discharge flow rate from Outfall 011 must be provided by either a monitor or an estimate. Upon initializing production, the discharge flow rate must be provided by monitoring.

Outfall 012 – Dry Well

Outfall 012 - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency	Type
Flow [1]	mgd	Continuous	Instantaneous
Duration of Discharge	# days	Daily	Calculated
pH	s.u.	Semi-annual	Instantaneous
Aluminum, Dissolved	µg/L	Semi-annual	Grab
Benzo(a)pyrene	µg/L	Semi-annual	Grab
Cyanide	µg/L	Semi-annual	Grab
Antimony, Total Recoverable	µg/L	Semi-annual	Grab
Copper, Total Recoverable	µg/L	Semi-annual	Grab
Nickel, Total Recoverable	µg/L	Semi-annual	Grab
Fluoride	µg/L	Semi-annual	Grab

Footnotes:

1. Effective immediately, the discharge flow rate From Outfall 012 must be provided by either a monitor or an estimate. Upon initializing production, the discharge flow rate must be provided by monitoring.

Outfall 013 – Head Tank Cleaning

Outfall 013 - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency	Type
Flow	mgd	Monthly	Estimate
Duration of Discharge	# days	Daily	Calculated
Total Residual Chlorine (TRC)	µg/L	Monthly	Grab
pH	s.u.	Semi-annual	Instantaneous

Unless flow-proportioned sampling is requested in writing, composite samples shall, as a minimum, be composed of four or more discrete aliquots (samples) of equal volume and time collected in a 24 hour period. The aliquots shall be combined in a single container for analysis (simple composite). 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.

2. Upstream Monitoring Requirements

The permittee shall monitor the following parameters from a monitoring site upstream of any expected influence from the process wastewater or ground water. The analysis must meet the RRVs as listed in the most recent Circular DEQ-7.

Flathead River Upstream of Facility - Summary of Monitoring Requirements			
Parameter	Units	Monitoring Frequency (1)	Type
Aluminum, Dissolved	µg/L	Semi-annual	Grab
Antimony, Total Recoverable	µg/L	Semi-annual	Grab
Copper, Total Recoverable	µg/L	Semi-annual	Grab
Nickel, Total Recoverable	µg/L	Semi-annual	Grab
Benzo(a)pyrene	µg/L	Semi-annual	Grab
Fluoride	µg/L	Semi-annual	Grab
Cyanide	µg/L	Semi-annual	Grab
Temperature	deg C	Semi-annual	Grab
pH	s.u.	Semi-annual	Instantaneous
Ammonia	mg/L	Semi-annual	Grab
Nitrate + Nitrite	mg/L	Semi-annual	Grab
Total Kjeldahl Nitrogen	mg/L	Semi-annual	Grab
Total Nitrogen	mg/L	Semi-annual	Calculated
Total Phosphorus	mg/L	Semi-annual	Grab

3. Whole Effluent Toxicity (WET) Monitoring at Outfall 006– 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 grab sample of discharge from the ground water seep at Outfall 006. Testing will employ two species per quarter and will consist of five (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.

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,* EPA-600/4-90/027 and the *Region VIII EPA NPDES Acute Test Conditions-Static Renewal Whole Effluent Toxicity*. The permittee shall conduct an acute 48-hour static renewal toxicity test using *Ceriodaphnia sp.* 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 DEQ. 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 DEQ. In all cases, the results of all toxicity tests must be submitted to DEQ in accordance with Part II of this permit. Further, should acute toxicity occur in a routine test and is confirmed as persistent by the additional test, a TIE-TRE shall be undertaken by the permittee as required by Part I.D.1.

The quarterly WET 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 DMR's). 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 request a reduction to quarterly acute toxicity testing on only one species on an alternating basis. DEQ may approve or deny the request based on the results and other available information without an additional public notice. If the request is approved, 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 DEQ within 45 days after confirmation of the continuance of effluent toxicity (resample).

2. Storm Water Management

   Storm water effluent quality is typically managed through the implementation of Storm Water Pollution Prevention Plans (SWPPPs) and Best Management Practices (BMPs) and, where necessary, effluent monitoring requirements. The permittee shall operate the facility in accordance with a current SWPPP. The SWPPP shall be updated as soon as possible but no later than January 1, 2015.

   a. The SWPPP and associated documentation, as well as BMPs developed and implemented, must be accomplished using good standard engineering practices.

   b. The SWPPP must be retained onsite.

   c. The SWPPP must be signed in accordance with the signatory requirements stated in the renewed MPDES permit Part IV.G.

   d. The SWPPP must be made available upon request of DEQ staff, such as during inspections.

   e. The permittee must develop and maintain the SWPPP in accordance with the "Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity," MPDES MTR000000, Part 3.1.

   The permittee must notify DEQ after the SWPPP has been updated, by no later than January 28, 2015.

E. Compliance Schedule

1. Upstream Monitoring.

   Within thirty (30) days of the effective date of this permit, the permittee shall submit both latitude/longitude coordinates and a diagram of the upstream sampling location to DEQ. The submittal shall include a discussion on how the permittee has ensured the monitoring will be representative of the background concentration in Flathead River without any influence from their site.

2. Ammonia.

   The Outfall 009 ammonia effluent limits will become effective **January 1, 2017**. Until this date, the permittee shall submit an annual report dated no later than the 28th of January following each year, describing the actions taken in the previous year and proposed for the upcoming year, to ensure compliance with the new limits.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

A. Representative Sampling

Samples taken in compliance with the monitoring requirements established under Part I of the permit shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

B. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under Part 136, Title 40 of the Code of Federal Regulations, unless other test procedures have been specified in this permit. All flow-measuring and flow-recording devices used in obtaining data submitted in self-monitoring reports must indicate values within 10 percent of the actual flow being measured.

C. Penalties for Tampering

The Montana Water Quality Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

D. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) EPA form 3320-1. Monitoring results must be submitted in either electronic or paper format and be postmarked no later than the 28th day of the month following the end of the monitoring 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" must be reported on the report form.

Legible copies of these, and all other reports required herein, must be signed and certified in accordance with Part IV.G 'Signatory Requirements' of this permit and submitted to DEQ at the following address:

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

E. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit must be submitted to DEQ in either electronic or paper format and be postmarked no later than 14 days following each schedule date unless otherwise specified in the permit.

F. Additional Monitoring by the Permittee

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

G. Records Contents

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The initials or name(s) of the individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The time analyses were initiated;
5. The initials or name(s) of individual(s) who performed the analyses;
6. References and written procedures, when available, for the analytical techniques or methods used; and
7. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

H. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of DEQ 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 incidents of noncompliance 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. DEQ 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 DEQ or the Director, or an authorized representative thereof, upon the presentation of credentials and other documents as may be required by law, to:

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

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

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

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

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the 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 DEQ or the Regional Administrator 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 $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine of not more than $50,000 per day of violation, or by imprisonment for not more than 2 years, or both, 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.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.G.2 and III.G.3 of this permit.

2. Notice:

   a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

   b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I of this permit, "Twenty-four Hour Reporting".

3. Prohibition of bypass:

   a. Bypass is prohibited and DEQ 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. DEQ may approve an anticipated bypass, after considering its adverse effects, if DEQ 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.

I. Toxic Pollutants

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

J. Changes in Discharge of Toxic Substances

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

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

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

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

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

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

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

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

b. One milligram per liter (1 mg/L) for antimony;

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

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

IV. GENERAL REQUIREMENTS

A. Planned Changes

The permittee shall give notice to DEQ as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.

B. Anticipated Noncompliance

The permittee shall give advance notice to DEQ 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 DEQ, within a reasonable time, any information which DEQ 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 DEQ, 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 DEQ, 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 DEQ or the EPA shall be signed and certified.

1. All permit applications shall be signed as follows:
    a. For a corporation: by a responsible corporate officer;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by DEQ 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 DEQ; 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 DEQ 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 DEQ. 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 DEQ 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. DEQ 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, DEQ may:

1. Impose an additional assessment computed at the rate 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. DEQ 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, DEQ 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 DEQ and/or 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. 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.

6. Toxicity Limitation: 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 pollutant(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 DEQ, justify the incorporation of unanticipated special conditions in the 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. **"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.

5. **"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.

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

7. **"Chronic Toxicity"** means when the survival, growth, or reproduction, as applicable, for either test species, at the effluent dilution(s) designated in this permit (see Part I.C.), is significantly less (at the 95 percent confidence level) than that observed for the control specimens.

8. **"Composite samples"** means a sample composed of two or more discrete aliquots (samples). The aggregate sample will reflect the average quality of the water or wastewater in the compositing or sample period. Composite sample may be composed of constant volume aliquots collected at regular intervals (simple composite) or flow proportioned.

9. **"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.

10. **"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.

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

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

13. **"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.

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

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

16. **"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.

17. **"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.

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

19. **"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))

19. **"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.

20. **"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 DEQ prior to April 29, 1993.

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

22. **"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.

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

24. **"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.

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

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

27. **"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.

Figure 1: CFAC Outfall 006 Surface Water Mixing Zone Delineation

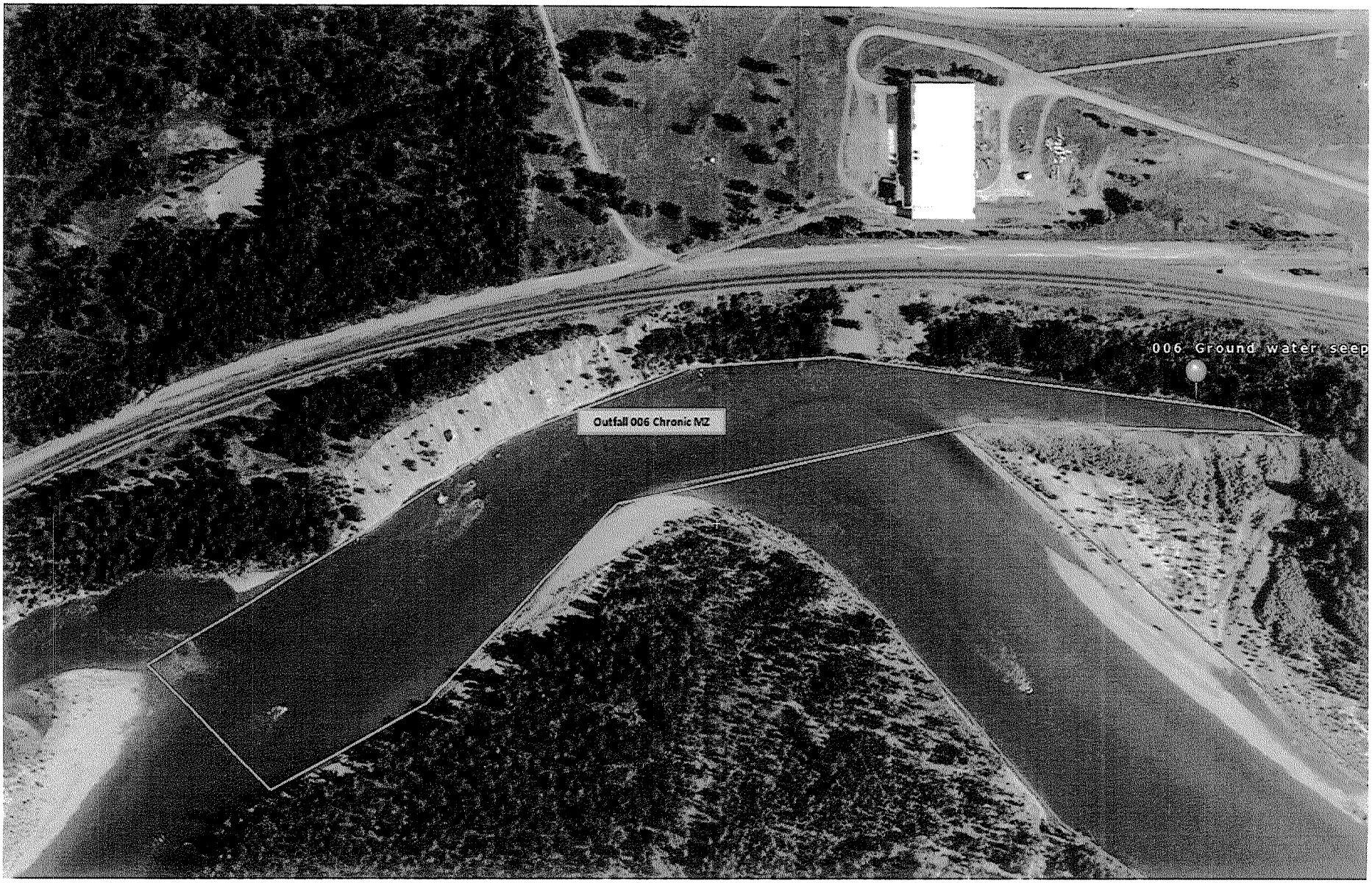

Figure 2: CFAC Surface Water Mixing Zone Delineations

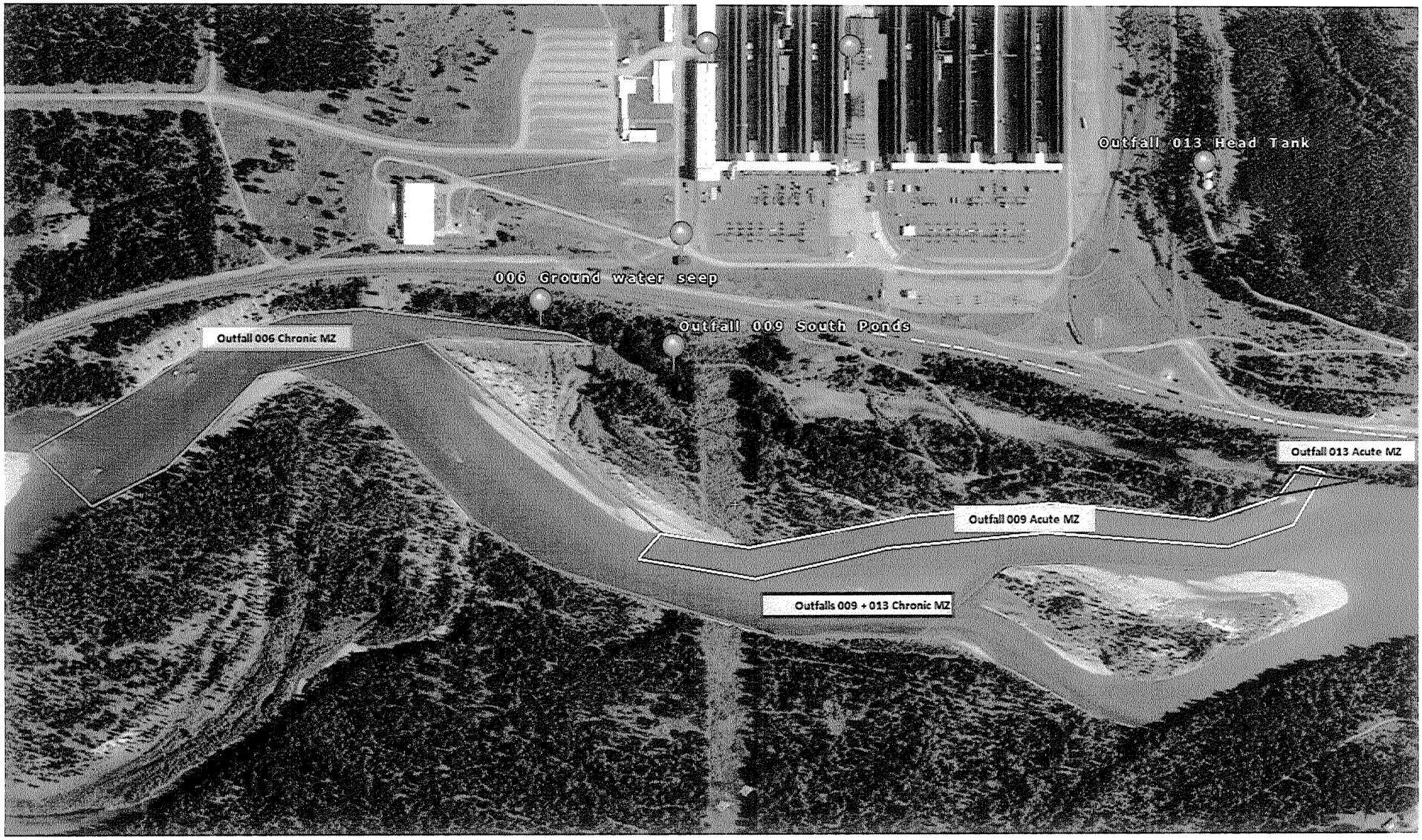
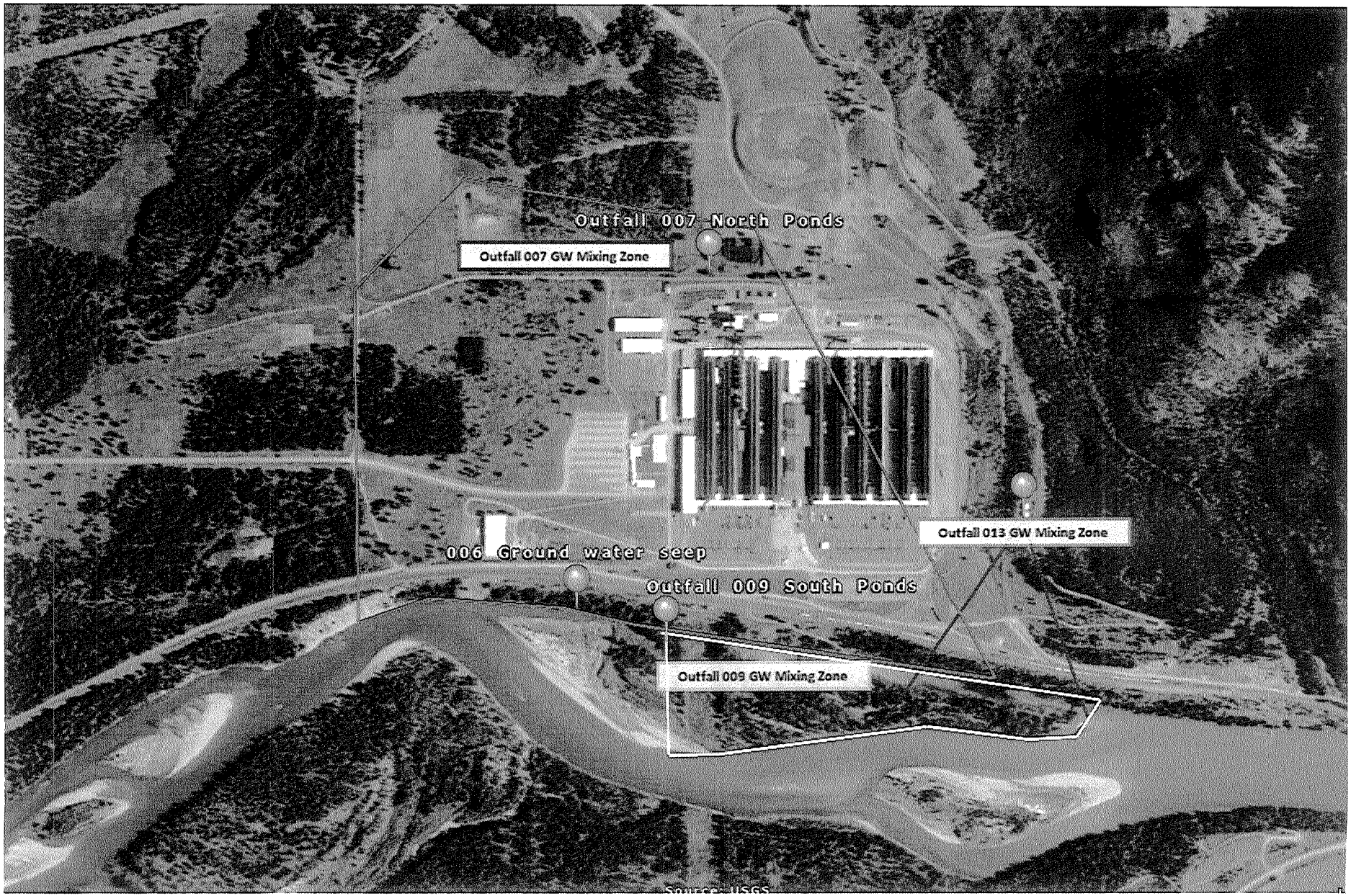
Figure 3: CFAC Ground Water Mixing Zone Delineation