Permit No.: MT0030414

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

AUTHORIZATION TO DISCHARGE UNDER THE
MONTANA POLLUTION 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.,*

City of Whitefish

is authorized to discharge from the **Whitefish Water Treatment Plant**; located at 300 Reservoir Road in the City of Whitefish, Flathead County; to receiving waters, the **1907-built reservoir on an unnamed tributary to Whitefish Lake,**

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. The numeric effluent limits, water quality standards, and special conditions specified herein support the protection of the affected receiving water.

This permit shall become effective: **July 1, 2013.**

This permit and the authorization to discharge shall expire at midnight, **June 30, 2018.**

FOR THE MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Paul Skubinna, Chief
Water Protection Bureau
Permitting and Compliance Division

Issue Date: May 14, 2013

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I. EFFLUENT LIMITS, MONITORING REQUIREMENTS & OTHER CONDITIONS

A. Description of Discharge Point and Mixing Zone

The authorization to discharge provided under this permit is limited to the outfall specially designated below as discharge location. Discharges at any location not authorized under an MPDES permit is a violation of the Montana Water Quality Act and may 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:** Outfall 001 is located at 48° 26' 10" North Latitude and -114° 19' 48" West Longitude Flathead County, at the end of the pipe discharging into the 1907-built reservoir on the unnamed tributary to Whitefish Lake. **Chronic Mixing Zone:** The maximum extent of the chronic mixing zone granted is five (5) percent of the 1907-built reservoir surface area defined as a semicircle extending 23 feet upstream and 23 feet downstream and 23 feet in radius from the point of discharge. **Acute Mixing Zone:** No acute mixing zone is granted. **Treatment Works:** Dechlorination and settling basin.

B. Interim Effluent Limits

Beginning on the July 1, 2013, and expiring at midnight on June 30, 2015, the quality of the effluent discharged by the Whitefish Water Treatment Plant at Outfall 001 must, as a minimum, meet the limits set forth below in Table 1.

Table 1: Interim Effluent Limits – Outfall 001

Parameter Name	Units	Maximum Daily Limit(1)(2)	Average Monthly Limit(1)
Aluminum, Dissolved	mg/L	0.750	NA
	lbs/day	NA	0.4(3)(4)
Chlorine, Total Residual	mg/L	0.019(5)	0.011(5)
Turbidity	NTU	≤ 0(6)	NA
pH	s.u.	Within the Range of 6.0 - 9.0(7)	NA

Footnotes:
NA = Not Applicable
(1) See definitions in Part V of the permit.
(2) Report the highest measured daily value for the reporting period on the DMR forms.
(3) Value reported on DMR form is calculated based on the monthly average values for flow and concentration.
(4) Report the average of the individual daily loads for the reporting period on the DMR forms.
(5) Values reported that are equal to or less than the Department's RRV of 0.1 mg/L are considered to be in compliance with this limit.
(6) As measured by upstream turbidity (NTU) minus discharge turbidity (NTU). When reporting turbidity readings less than 1 NTU for upstream and discharge samples, report in increments of 0.05 NTU. For the purposes of net turbidity change, when upstream turbidity readings are less than 1 NTU, any discharge sample result less than 1 NTU is considered to be in compliance with the limit.
(7) Report the lowest and the highest measured daily values for the reporting period on the DMR forms.

C. Final Effluent Limits

Beginning on July 1, 2015, and lasting through the term of the permit, the quality of the effluent discharged by the Whitefish Water Treatment Plant at Outfall 001 must, as a minimum, meet the limits set forth below in Table 2.

Table 2: Final Effluent Limits – Outfall 001

Parameter Name	Units	Maximum Daily Limit(1)(2)	Average Monthly Limit(1)
Aluminum, Dissolved	mg/L	0.750	NA
	lbs/day	NA	0.4(3)(4)
Chlorine, Total Residual	mg/L	0.014(5)	0.010(5)
Turbidity	NTU	0.75(6)	NA
pH	s.u.	Within the Range of 6.0 - 9.0(7)	NA

Footnotes:
NA = Not Applicable
(1) See definitions in Part V of the permit.
(2) Report the highest measured daily value for the reporting period on the DMR forms.
(3) Value reported on DMR form is calculated based on the monthly average values for flow and concentration.
(4) Report the average of the individual daily loads for the reporting period on the DMR forms.
(5) Values reported that are equal to or less than the Department's RRV of 0.1 mg/L are considered to be in compliance with this limit.
(6) Values reported that are equal to or less than the Department's RRV of 1 NTU are considered to be in compliance with this limit.
(7) Report the lowest and the highest measured daily values for the reporting period on the DMR forms.

D. Background Monitoring and Reporting Requirements

The background water quality must be monitored at the frequency and with the type of measurement indicated. Samples representative of the background water quality must be individually collected upstream of the discharge. The permittee must report the monitoring data to the Department at the frequency respectively listed in Table 3 for each parameter. Each sample must include, but is not limited to, the respective parameters listed in Table 3.

Table 3: Background Monitoring and Reporting Requirements

Parameter	Monitoring Location	Units	Sample Type(1)(2)	Minimum Sampling Frequency	Reporting Requirements(1)(3)	Reporting Frequency	RRV(4)
Aluminum, Dissolved	Upstream	mg/L	Grab	1/Quarter	Quarterly Average	Quarterly	0.009

Footnotes:
(1) See definitions in Part V of the permit.
(2) Grab sample will represent concentration for a 24 hour period.
(3) Daily Maximum: report the highest measured daily value for the reporting period on Discharge Monitoring Report (DMR) forms.
(4) When listed, the RRV is the detection level that must be achieved in reporting effluent monitoring or compliance data to the Department. The RRV is the Department's best determination of a level of analysis that is achievable by the majority of the commercial, university, or governmental laboratories using EPA approved methods or methods approved by the Department. PQL (Practical Quantification Limits) are not acceptable substitutions for RRV.

Analytical methods must be 40 CFR 136 approved methods unless otherwise specified or approved by the Department. Analysis must meet the RRV listed in Circular DEQ-7. Practical Quantification Limits are not acceptable substitutions for the RRVs.

E. Effluent Monitoring and Reporting Requirements

The effluent discharged from the treatment system must be monitored at the frequency and with the type of measurement indicated. Samples or measurements must be representative of the volume and nature of the monitored discharge. Samples representative of the effluent quality at the outfall must be individually collected from the last point of control prior to discharge. The permittee must report the monitoring data to the Department at the frequency respectively listed in Table 4 for each parameter. Discharge Monitoring Report Forms (DMRs) will be required regardless of the operational status of the facility. If no discharge occurs during the entire monitoring period, it shall be stated on the DMR that no discharge or overflow occurred. Each sample must include, but is not limited to, the respective parameters listed in Table 4.

Table 4: Effluent Monitoring and Reporting Requirements – Outfall 001

Parameter	Monitoring Location	Units	Sample Type(1)(2)	Minimum Sampling Frequency	Reporting Requirements(1)(3)	Reporting Frequency	RRV(4)
Effluent Flow Rate	Discharge from Settling Basin	mgd	Calculated(5)	1/Day	Daily Maximum and Monthly Average	Monthly	-
Duration of Discharge	Effluent	days	Reported	NA	Number of Days the Discharge Occurs	Monthly	-
Aluminum, Dissolved	Effluent	mg/L	Grab	1/Month	Daily Maximum and Monthly Average	Monthly	0.03(6)
		lbs/day	Calculated(7)	1/Month	Monthly Average	Monthly	-
Chlorine, Total Residual	Effluent	mg/L	Grab	1/Day	Daily Maximum and Monthly Average	Monthly	0.1(8)
Turbidity	Effluent	NTU	Grab	1/Day	Daily Maximum and Monthly Average	Monthly	1(9)
pH	Effluent	s.u.	Instantaneous	1/Day	Daily Minimum and Daily Maximum(10)	Monthly	-

Footnotes:
NA = Not Applicable
(1) See definitions in Part V of the permit.
(2) Grab sample will represent concentration for a 24 hour period.
(3) Daily Maximum: report the highest measured daily value for the reporting period on the DMR forms.
(4) When listed, the Required Reporting Value (RRV) is the detection level that must be achieved in reporting effluent monitoring or compliance data to the Department. The RRV is the Department's best determination of a level of analysis that is achievable by the majority of the commercial, university, or governmental laboratories using EPA approved methods or methods approved by the Department. PQL (Practical Quantification Limits) are not acceptable substitutions for RRV.
(5) Measured using staff gage to determine volumetric differences and averaged over the duration of discharge.
(6) The Department is specifying a RRV of 0.03 mg/L for this parameter based on Footnote 19 in the 2012 version of DEQ-7.
(7) Report the average of the individual daily loads for the reporting period on the DMR forms.
(8) Values reported that are equal to or less than the Department's RRV of 0.1 mg/L are considered to be in compliance with the permit.
(9) Values reported that are equal to or less than the Department's RRV of 1 NTU are considered to be in compliance with the permit.
(10) Report the highest and the lowest measured daily values for the reporting period on the DMR forms.

Analytical methods must be 40 CFR 136 approved methods unless otherwise specified or approved by the Department. Analysis must meet the RRV listed in Circular DEQ-7 unless specified otherwise. Practical Quantification Limits are not acceptable substitutions for the RRVs.

For the individual parameter Aluminum, Dissolved (mg/L): the Department is specifying a RRV of 0.03 mg/L for effluent monitoring and reporting only.

For the individual parameter Turbidity (NTU): values reported that are equal to or less than the Department's RRV of 1 NTU are considered to be in compliance with the permit.

For the individual parameter Chlorine, Total Residual (mg/L): values reported that are equal to or less than the Department's RRV of 0.1 mg/L are considered to be in compliance with the permit.

F. Special Conditions
There are not any special conditions associated with the issuance of this permit.

G. Compliance Schedule
The City of Whitefish must provide annual reports to the Department during the interim permit period, due by no later than January 28th of the years 2014 and 2015, that summarize the progress made toward meeting the final effluent limits of the permit. The compliance schedule for the facility is presented in Table 5.

Table 5: Compliance Schedule

Action	Frequency	Scheduled Completion Date of Action(1)	Scheduled Report Due Date(2)
Submit a report documenting actions taken to meet final effluent limits(3)	Annually	By December 31st of the years 2013 and 2014	Due on or before January 28th of the years 2014 and 2015

Footnotes:
(1) The actions must be completed on or before the scheduled completion dates.
(2) Reports must be received by the Department on or before the scheduled report due dates and must include all information as required.
(3) This report must detail any changes in operation and maintenance, any system optimization, and/or any other steps taken by the facility in order to meet the final permit effluent 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 the data submitted in self-monitoring reports must indicate values within 10 percent of the actual flow being measured.

C. Penalties for Tampering
The Montana Water Quality Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $25,000, or by imprisonment for not more than six months, or by both.

D. Reporting of Monitoring Results

Self-monitoring results shall be submitted to the Department. Monitoring results obtained during the previous monitoring period shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1) and postmarked no later than the 28th day of the month following the completed reporting period. If no discharge occurs during the reporting period, then "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 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 this permit shall be submitted no later than 14 days following each schedule date unless otherwise specified in this permit.

F. Additional Monitoring by the Permittee

If the permittee monitors any additional pollutant or 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 analysis and reporting of the data submitted in the Discharge Monitoring Report. Such increased frequency shall also be indicated.

G. Records Contents

Records of monitoring information shall include:

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

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

3. The date(s) analyses were performed;

4. The time analyses were initiated;

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

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

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

H. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by the request of the Department at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this 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 affecting the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Protection Bureau at (406) 444-3080 or the Office of Disaster and Emergency Services at (406) 324-4777. The following examples are considered serious incidents:

   a. Any noncompliance which may seriously endanger health or the environment; or

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

2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

   a. A description of the noncompliance and its cause;

   b. The period of noncompliance, including exact dates and times;

   c. The estimated time noncompliance is expected to continue if it has not been corrected; and

   d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau, by phone, at (406) 444-3080.

4. Reports shall be submitted to the addresses in Part II.D. of this permit, "Reporting of Monitoring Results."

J. Other Noncompliance Reporting
Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.D. of this permit are submitted. The reports shall contain the information listed in Part II.I.2. of this permit.

K. Inspection and Entry
The permittee shall allow the head of the Department, the Director, or an authorized representative thereof, upon the presentation of credentials and other documents as may be required by law, to:

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

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

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

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

III. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply
The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Montana Water Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance.

B. Penalties for Violations of Permit Conditions
The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to civil or criminal penalties not to exceed $25,000 per day or one year in prison, or both, for the first conviction, and $50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions. MCA 75-5-611(9)(a) also provides for administrative penalties not to exceed $10,000 for each day of violation and up to a maximum not to exceed $100,000 for any related series of violations. Except as provided in

Part III.G. of this permit, "Bypass of Treatment Facilities," nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

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

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

E. Proper Operation and Maintenance
The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit. However, the permittee shall operate, as a minimum, one complete set of each main line unit treatment process whether or not this process is needed to achieve permit effluent compliance.

F. Removed Substances
Collected screenings, grit, solids, sludge, or other pollutants removed in the course of treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard.

G. Bypass of Treatment Facilities

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

2. Notice:

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

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

3. Prohibition of bypass:

a. Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass, unless:

1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering 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.

IV. GENERAL REQUIREMENTS

A. Planned Changes

The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit; or
2. There are any planned substantial changes to the existing sewage sludge management practices of storage and disposal. The permittee shall give the Department notice of any planned changes at least 180 days prior to their implementation.

B. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

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

D. Duty to Reapply
If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application must be submitted at least 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 revoking, modifying and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

F. Other Information
When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Department, it shall promptly submit such facts or information with a narrative explanation of the circumstances of the omission or incorrect submittal and why they weren't supplied earlier.

G. Signatory Requirements
All applications, reports or information submitted to the Department shall be signed and certified.

1. All permit applications shall be signed as follows:

   a. For a corporation: by a responsible corporate officer:

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

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

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

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

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

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

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

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

H. Penalties for Falsification of Reports

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

I. Availability of Reports

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

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

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

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

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

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

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

3. The Department does not notify the existing permittee and the proposed new permittee of the 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; or

2. Water Quality Standards are Exceeded: If it is found that water quality standards or trigger values, excluding mixing zones designated by ARM 17.30.501-518, for parameters included in the permit or others, the department may modify the effluent limits or water management plan.

V. DEFINITIONS

1. **"30-day (and Monthly) Average"** other than for *E. coli* bacteria, means the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria. The calendar month shall be used for purposes of reporting self-monitoring data.

2. **"90-day (and Quarterly) Average"** other than for *E. coli* bacteria, means the arithmetic average of all samples collected during a consecutive 90-day period or calendar quarter, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria. The calendar month shall be used for purposes of reporting self-monitoring data.

3. **"180-day (and Six-Month or Semi-Annual) Average"** other than for *E. coli* bacteria, means the arithmetic average of all samples collected during a consecutive 180-day period or calendar half-year, whichever is applicable. Geometric means shall be calculated for *E. coli* bacteria. The calendar month shall be used for purposes of reporting self-monitoring data.

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. **"Annual Maximum Limit"** means the maximum allowable discharge of a pollutant during a calendar year.

6. **"Average Monthly Limit"** means the maximum allowable discharge of a pollutant during a calendar month. Expressed as units of mass, the monthly discharge is cumulative mass discharged over the calendar month. Expressed as a concentration, it is the arithmetic average of all measurements taken that month.

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

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

9. **"Composite Samples"** shall be flow proportioned. The composite sample shall, as a minimum, contain at least three (3) samples collected over the compositing period. Unless otherwise specified in this permit, 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.

10. **"Continuous"** means the measurement of effluent flow which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance process changes, or other similar activities.

11. **"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.

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

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

14. **"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.

15. **"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.

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

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

18. **"Maximum Daily 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.

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 the Department prior to April 29, 1993.

21. **"NTU"** means nephelometric turbidity unit and is the unit of measure for the pollutant parameter turbidity.

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. **"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.

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