MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

AUTHORIZATION TO DISCHARGE UNDER THE MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES)

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.,

Wolf Mountain Coal, Inc.

is authorized to discharge from its Stoker Coal Processing Facility

located 11 miles north of Decker, MT, on Highway 314

to receiving waters named **Ephemeral Tributary of South Fork Monument Creek**

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

This permit shall become effective: July 1, 2014

This permit and the authorization to discharge shall expire at midnight, June 30, 2019.

FOR THE MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Jon Kenning, Chief
Water Protection Bureau
Permitting & Compliance Division

Issuance Date: May 21, 2014

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I. EFFLUENT LIMITATIONS AND MONITORING & REPORTING REQUIREMENTS

A. Description of Discharge Point(s) and Mixing Zone(s)

The authorization to discharge provided under this permit is limited to those outfalls designated 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 the unauthorized discharge could subject such person to criminal penalties as provided under Montana Water Quality Act, Section 75-5-632.

Table 1 provides a description of the discharge points and mixing zones for each outfall. Treatment consists of the use of a sediment pond to remove suspended solids from process water and storm water runoff.

Table 1. Description of Discharge Points and Mixing Zones

Outfall	Latitude	Longitude	Outfall Description/ Effluent Description	Receiving Water	Mixing Zone
001	45°8'21"N	106°53'16"W	Intermittent discharge from sediment pond; process water and storm water runoff	Ephemeral tributary of the South Fork of Monument Creek	None

B. Effluent Limitations and Monitoring Requirements

Effective immediately and lasting through the term of the permit, the quality of effluent discharged at Outfall 001 shall at a minimum, meet the limitations set forth in Table 2. All monitoring shall be conducted at the monitoring locations specified in section I.C.1 (Table 5) of this permit, and at a minimum monitoring frequency specified in Table 2. Samples must be collected according to the sampling type and analytical methods in Table 2 and must achieve the listed required reporting value (RRV) or minimum level (ML).

Narrative Effluent Limitations

i. There shall be no discharge from any outfall that reacts or settles to form an objectionable sludge deposit or emulsion beneath the surface of the receiving water or upon adjoining shorelines.
ii. There shall be no discharge from any outfall of floating solids or visible foam other than trace amounts.
iii. There shall be no discharge from any outfall that produces visible oil sheen in the receiving stream.

Table 2. Numeric Effluent Limitations and Monitoring Requirements – Outfall 001A

Parameter	Units	Average Monthly Limitation	Maximum Daily Limitation	Minimum Monitoring Frequency	Sample Type	RRV or ML
pH	s.u.	Between 6.0 and 9.0 at all times		1/Week	Grab	0.1
Oil and grease	mg/L	N/A	10	1/Week	Grab	1
Iron, total	mg/L	3.0	6.0	1/Week	Grab	0.05
Total suspended solids (TSS)	mg/L	35	70	1/Week	Grab	10
Flow	mgd	Report only	Report only	1/Day	Instant	N/A
Temperature	°F	Report only	Report only	1/Week	Instant	1
Aluminum, dissolved	µg/L	Report only	Report only	1/Month	Grab	0.03
Aluminum, total	µg/L	Report only	Report only	1/Month	Grab	0.03
Ammonia, as N	mg/L	Report only	Report only	1/Month	Grab	0.05
Copper, total	µg/L	Report only	Report only	1/Month	Grab	0.001
Manganese, total	µg/L	Report only	Report only	1/Month	Grab	0.005
Nitrate + nitrite (as N)	mg/L	Report only	Report only	1/Month	Grab	0.1
Electrical conductivity	µS/cm	Report only	Report only	1/Month	Grab	10
Sodium adsorption ratio (SAR)	N/A	Report only	Report only	1/Month	Calculated	0.1
Sulfate	mg/L	Report only	Report only	1/Month	Grab	10
Metals, total recoverable[1]	µg/L	Report only	Report only	1/Year	Grab	[1]
Whole effluent toxicity, acute	LC_{50} (%)	N/A	>100 (Pass)	2/Year	Grab	N/A

Footnotes:
N/A= not applicable
1. Metals include those metals with aquatic life numeric standards contained in the Montana *Circular DEQ-7 Montana Numeric Water Quality Standards*: arsenic, cadmium (0.08), chromium (1), copper (1), lead (0.05), mercury (0.01), nickel (10), silver (0.5), and zinc (10) as total recoverable. Corresponding RRVs (µg/L) are in parentheses behind each parameter.

1. **Alternate Numeric Effluent Limitations and Monitoring Requirements – Precipitation Events**
   a. Effluent limitations and monitoring requirements which may be applied alternately to the otherwise applicable effluent limitations and monitoring requirements presented in Table 2 to discharges driven by precipitation events which result in a pond overflow are summarized in Tables 3 and 4. Samples must be collected according to the sampling type and analytical methods in Tables 3 and 4 and must achieve the listed required RRV or ML.

Table 3. Alternate Numeric Effluent Limitations and Monitoring Requirements – Precipitation Events Less than or Equal to the 10-year/24-hour – Outfall 001B

Parameter	Units	Average Monthly Limitation	Maximum Daily Limitation	Minimum Monitoring Frequency	Sample Type	RRV or ML
pH	Standard units	Between 6.0 and 9.0 at all times		1/Discharge	Grab	0.1
Oil and grease	mg/L	N/A	10	1/Discharge	Grab	1
Iron, total	mg/L	N/A	Report only	1/Discharge	Grab	0.05
Settleable solids (SS)	ml/L	N/A	0.5	1/Discharge	Grab	0.5
Flow	mgd	N/A	Report only	1/Discharge	Instant	N/A
Temperature	°F	N/A	Report only	1/Discharge	Instant	1
Aluminum, dissolved	µg/L	N/A	Report only	1/Discharge	Grab	0.03
Aluminum, total	µg/L	N/A	Report only	1/Discharge	Grab	0.03
Ammonia, as N	mg/L	N/A	Report only	1/Discharge	Grab	0.05
Copper, total	µg/L	N/A	Report only	1/Discharge	Grab	0.001
Manganese, total	µg/L	N/A	Report only	1/Discharge	Grab	0.005
Nitrate + nitrite (as N)	mg/L	N/A	Report only	1/Discharge	Grab	0.1
Electrical conductivity	µS/cm	N/A	Report only	1/Discharge	Grab	10
Sodium adsorption ratio (SAR)	N/A	N/A	Report only	1/Discharge	Calculated	0.1
Sulfate	mg/L	N/A	Report only	1/Discharge	Grab	10
Metals, total recoverable[1]	µg/L	N/A	Report only	1/Year	Grab	[1]
Whole effluent toxicity, acute	LC_{50} (%)	N/A	>100 (Pass)	2/Year	Grab	N/A

Footnotes:
N/A= not applicable
1. Metals include those metals with aquatic life numeric standards contained in the Montana *Circular DEQ-7 Montana Numeric Water Quality Standards*: arsenic, cadmium (0.08), chromium (1), copper (1), lead (0.05), mercury (0.01), nickel (10), silver (0.5), and zinc (10) as total recoverable. Corresponding RRVs (µg/L) are in parentheses behind each parameter.

Table 4. Alternate Numeric Effluent Limitations and Monitoring Requirements – Precipitation Events Greater than 10-year/24-hour – Outfall 001C

Parameter	Units	Average Monthly Limitation	Maximum Daily Limitation	Minimum Monitoring Frequency	Sample Type	RRV or ML
pH	Standard units	Between 6.0 and 9.0 at all times		1/Discharge	Grab	0.1
Oil and grease	mg/L	N/A	10	1/Discharge	Grab	1
Iron, total	mg/L	N/A	Report only	1/Discharge	Grab	0.05
Flow	mgd	N/A	Report only	1/Discharge	Instant	N/A
Temperature	°F	N/A	Report only	1/Discharge	Instant	1
Aluminum, dissolved	µg/L	N/A	Report only	1/Discharge	Grab	0.03
Aluminum, total	µg/L	N/A	Report only	1/Discharge	Grab	0.03
Ammonia, as N	mg/L	N/A	Report only	1/Discharge	Grab	0.05
Copper, total	µg/L	N/A	Report only	1/Discharge	Grab	0.001
Manganese, total	µg/L	N/A	Report only	1/Discharge	Grab	0.005
Nitrate + nitrite (as N)	mg/L	N/A	Report only	1/Discharge	Grab	0.1
Electrical conductivity	µS/cm	N/A	Report only	1/Discharge	Grab	10
Sodium adsorption ratio (SAR)	N/A	N/A	Report only	1/Discharge	Calculated	0.1
Sulfate	mg/L	N/A	Report only	1/Discharge	Grab	10
Metals, total recoverable[1]	µg/L	N/A	Report only	1/Year	Grab	[1]
Whole effluent toxicity, acute	LC_{50} (%)	N/A	>100 (Pass)	2/Year	Grab	N/A

Footnotes:
N/A= not applicable
1. Metals include those metals with aquatic life numeric standards contained in the Montana *Circular DEQ-7 Montana Numeric Water Quality Standards*: arsenic, cadmium (0.08), chromium (1), copper (1), lead (0.05), mercury (0.01), nickel (10), silver (0.5), and zinc (10) as total recoverable. Corresponding RRVs (µg/L) are in parentheses behind each parameter.

b. Sample Methods

The permittee shall collect a grab sample within the first thirty minutes of discharge from any permitted outfall for any discharges which results from a precipitation related event, at minimum. As an alternative to a single grab sample, the permittee may take a flow-weighted composite of either the entire discharge or for the first three hours of the discharge. For a flow-weighted composite, only one analysis of the composited aliquots is required. Flow weighted composite samples are not allowed for pH and oil and grease.

2. Toxicity Limitations – Not Applicable

3. Interim Effluent Limitations – Not Applicable

4. Other Monitoring Requirements – Not Applicable

C. General Monitoring and Reporting Requirements

Samples or measurements shall be representative of the volume and nature of the monitored discharge as specified. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Report (DMR) Form [United states Environmental Protection Agency (USEPA) No. 3320-1] that no discharge occurred.

Data collected on site, copies of DMRs, and a copy of this MPDES permit must be maintained on site during the duration of activity at the permitted location.

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 and the Director. Per Administrative Rules of Montana (ARM) 17.30.1419, permit applications, permits, and effluent data shall not be considered confidential.

1. Monitoring Locations

The permittee shall establish the monitoring locations as specified in Table 5 to demonstrate compliance with the effluent limitations and other requirements in section I of this permit. The permittee shall monitor effluent at the specific monitoring location during discharge.

Table 5. Monitoring Locations

Discharge Point Name	Monitoring Location Name	Monitoring Location Description
Outfall 001	EFF-001	At the end of the discharge structure, prior to contact with receiving water.

2. Mass Loading Calculations – Not Applicable

3. Whole Effluent Toxicity Testing

a. Acute Whole Effluent Toxicity Testing

i. **Sampling and Dilution Series Requirements**. Beginning in the calendar year in which this permit becomes effective, and each calendar year thereafter, the permittee shall conduct a semi-annual acute static replacement toxicity test on a grab sample of the effluent. Testing will use two species (*Ceriodaphnia dubia* and *Pimephales promelas*) and will consist of 5 effluent concentrations (100, 50, 25, 12.5, and 6.25 percent effluent) and a control. Dilution water and the control shall consist of grab samples of the receiving water. If a sample of the receiving water is unavailable, because of its ephemeral nature, standard synthetic water may be used. If a discharge does not occur for a specified

monitoring location during the calendar year, this fact shall be reported in the annual WET report.

ii. **Methods**. Acute WET tests shall be conducted in general accordance with the procedures set out in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, Fifth Edition, EPA-821-R-02-012 (or a subsequent edition) and the "Region VIII USEPA NPDES Acute Test Conditions—Static Renewal Whole Effluent Toxicity Test" contained in the *Region VIII NPDES Whole Effluent Toxics Control Program, August 1997.* The permittee must conduct a 48-hour static renewal acute toxicity test using *Ceriodaphnia dubia* (USEPA Method 2002.0) and a 96-hour static renewal acute toxicity test using *Pimephales promelas* (fathead minnow) (USEPA Method 2000.0). Acute toxicity is measured by determining the LC_{50} (i.e., the percent of effluent that is lethal to 50 percent of the exposed test organisms) for each type of test.

iii. **Test Validity**. 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.

iv. **Accelerated Testing**. 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 Section III.A of this permit.

v. **Reduced Monitoring Frequency**— If the results for four consecutive acute toxicity tests indicate no acute toxicity, the permittee may request a reduction to acute toxicity testing on only one species on an alternating basis each year. 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.

4. Monitoring Periods and Reporting Schedule

Monitoring periods and reporting for all required monitoring shall be completed according to the schedule in Table 6.

When the minimum monitoring frequency is 1/Week or less (e.g, 1/Month), monitoring must take place on a weekday (Monday through Friday).

5. Discharge Monitoring Reports

All monitoring results obtained during the previous month shall be summarized and reported on a DMR Form (USEPA No. 3320-1) postmarked no later than the 28th day of the month following the completed monitoring period.
If no discharge occurs during the monitoring period, "No Discharge" shall be reported on the report form.

Table 6. Monitoring Periods and Reporting Schedule			
Required Monitoring Frequency	**Monitoring Period Start Date**	**Monitoring Period**	**Reporting Due Date**
1/Day	July 1, 2014	Midnight through 11:50 PM or any 24-hour period that reasonably represents a calendar day for purposes of monitoring	Due date for next DMR submittal
1/Month	July 1, 2014	1st day of calendar month through last day of calendar month	Due date for next DMR submittal
Quarterly	July 1, 2014	Through the end of each calendar quarter	28 days from the end of each calendar quarter
Annually	January 1, 2015	January 1 through December 31	28 days from the end of the monitoring period
1 / Discharge Event	July 1, 2014	Duration of discharge event	Due date for next DMR submittal

Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the "Signatory Requirements" (see Section III.C.7. of this permit), and submitted to DEQ and to the USEPA at the following addresses:

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

II. SPECIAL CONDITIONS

A. Additional Monitoring and Special Studies

1. Ambient Monitoring - Not Applicable.

2. Supplemental Monitoring and Studies - Not Applicable.

3. Toxicity Identification Evaluation (TIE)/Toxicity Reduction Evaluation (TRE)
The permittee shall submit to DEQ and initiate implementation of a TIE/TRE plan within 45 days of detecting acute toxicity during any accelerated testing required under section I.C.3. The TIE/TRE shall describe steps to 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.

If implementation of the TIE/TRE establishes that the toxicity cannot be eliminated, the permittee shall submit a proposed compliance plan to DEQ. The compliance plan shall include the proposed approach to control toxicity and a proposed compliance schedule for achieving control. If the approach and schedule are acceptable to DEQ, this permit may be reopened and modified.

If the TIE/TRE shows that the toxicity is caused by a toxicant(s) that may be controlled with parameter-specific numeric limitations, the permittee may:

a. Submit an alternative control program for compliance with the parameter-specific numeric effluent limitations,
b. If necessary, provide a modified whole effluent testing protocol, which compensates for the pollutant(s) being controlled with parameter-specific numeric effluent limitations.

Based on the results of WET testing and a TIE/TRE conducted by the permittee, DEQ may reopen and modify this permit in accordance with the provisions in section II.D to incorporate any additional WET or parameter-specific numeric limitations, a modified compliance schedule if judged necessary by DEQ, and/or a modified whole effluent toxicity protocol.

B. Best Management Practices and Pollution Prevention

The permittee shall during the term of this permit operate the facility in accordance with a storm water pollution prevention plan (SWPPP). A compliance schedule is associated with development of the SWPPP (see Section II.C).

C. Compliance Schedules

The permittee shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which achieves the objectives and the specific requirements listed below. A copy of the SWPPP shall be submitted to DEQ in accordance with the requirements of Part II of this permit. The SWPPP shall be submitted prior to commencement of facility constructed and implemented as soon as construction activities begin.

1. General SWPPP Requirements

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 at the facility that generates the storm water discharge. Provided no permanent offices/buildings are located at the facility site, a copy of these documents shall be retained at the office of the contact person identified in the permit application and at the office of the primary individual responsible for the implementation of the SWPPP, and shall be brought to the site at all times with these identified personnel. Should the identity of these responsible contacts/individuals change during the permit period, the permittee shall ensure measures are in place to transfer, and familiarize replacement personnel with the requirements pertaining to the SWPPP.

c. The SWPPP must be signed in accordance with the signatory requirements stated in Part III.C.7 of this permit.

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

e. DEQ may notify the permittee that the SWPPP does not meet one or more of the minimum requirements of this permit. After such notification from DEQ, the permittee shall make changes to the SWPPP and shall submit to DEQ a written certification that the requested changes have been made. Unless otherwise stated by DEQ, the permittee shall have 30 days after such notification to make the required changes. When DEQ makes such notification, the permittee shall provide DEQ with a copy of revisions to the SWPPP.

f. The permittee shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance that has significant effect on the potential for the discharge of pollutants to surface waters, or if the SWPPP proves to be ineffective in achieving the general objective of controlling pollutants in a storm water discharge covered under this permit. When such revisions are made to the SWPPP based upon this permit condition, the permittee shall provide DEQ with a copy of revisions to the SWPPP.

g. The SWPPP must identify the name of receiving surface waters. If there is a distinguishable point source discharge or outfall, the SWPPP must include a description of the size, type, and location of each point source discharge or outfall. A description of storm water runoff flow and drainage patterns into the receiving surface waters must be provided. If the discharge is to a municipal separate storm sewer, the location of any storm sewer discharge into the receiving surface waters must be provided.

h. The SWPPP must identify a specific person or persons at the facility who are responsible for SWPPP development, implementation, maintenance, and revision. The SWPPP must clearly identify the responsibilities of each person. The

activities and responsibilities of the person(s) must address all aspects of the SWPPP.

i. The SWPPP must identify facility personnel training programs used to inform personnel responsible for implementing activities identified in the SWPPP or otherwise responsible for storm water management of the components and goals of the SWPPP. Training should address topics such as spill response, good housekeeping, and material management practices. A schedule must identify the frequency for such training.

j. The SWPPP must address preventative maintenance measures which include the inspection and maintenance of storm water management BMPs. Qualified personnel shall be identified in the SWPPP to inspect the facility site and storm water management BMPs following each significant storm water rainfall event resulting in 0.5 inches of precipitation or more, or after significant snowmelt events. Inspections must be documented and maintained with the SWPPP. Inspections and their respective records must include tracking or follow-up procedures to ensure adequate response and corrective actions have been taken based on any problems or deficiencies observed during the inspection.

k. The SWPPP must address good housekeeping measures to help maintain a clean and orderly facility. Measures could include a routine schedule for the managing/removal of waste materials, as well as routine inspections of potential problem areas.

l. The SWPPP must include a General Location Map (such as a USGS topographic quadrangle map), extending one mile beyond the property boundaries of the facility, with enough detail to identify the location of the facility, any storm water discharges, and the receiving surface waters. The facility site must be clearly delineated on this map. The permittee may use the topographic map submitted with the application provided it indicates this information with respect to storm water discharges.

2. Identification of Potential Pollutant Sources

The SWPPP must provide a description of potential pollutant sources which may reasonably be expected to affect the quality of storm water discharges. The SWPPP must identify all significant activities and materials that could potentially be significant pollutant sources. To accomplish this, the SWPPP must include, at a minimum:

a. For each area of the facility with storm water discharges from regulated activities that have a reasonable potential to contain significant amounts of pollutants, a prediction of the direction of flow, and an identification of the types of pollutants and parameters of concern that are likely to affect the storm water discharge. Factors to consider include the toxicity of chemicals; quantity of chemical used, produced or discharged; the likelihood of contact with storm water; the history of any MPDES permit violations; and the characteristics and uses of the receiving

surface waters. In the identification of potential pollutants, and depending on the type of facility, items to identify and assess may include:

i. Areas and management practices used for the storage, treatment, or disposal of wastes;
ii. Areas where significant spills and leaks of hazardous substances may have occurred;
iii. Areas and management practices used for the loading or unloading of dry bulk materials and liquids;
iv. Areas and management practices used for the outdoor storage of materials and/or products;
v. Areas and management practices used for outdoor manufacturing or processing activities;
vi. Areas and management practices used for vehicle fueling, washing, and maintenance;
vii. Dust or particulate-generating processes;
viii. Illicit connections and/or management practices;
ix. Areas more susceptible to erosion; and,
x. Areas with unstabilized sediment due to ground disturbance activities.

b. A summary of existing storm water quality sampling test results which characterize historical pollutants in storm water discharges.

c. Estimate and define area(s) of relatively impervious surfaces (including paved areas and facility structural roofs) with respect to the total area drained by each point source discharge of storm water.

d. An evaluation of how the quality of any potential storm water running onto the facility site would impact the facility's storm water discharge.

3. Storm Water Management Best Management Practices

a. SWPPPs must include a description of storm water management Best Management Practices (BMPs) appropriate for the facility, including those used to divert, infiltrate, reuse, or otherwise manage storm water runoff, that reduces pollutants in storm water discharges from the site. The appropriateness and priorities of BMPs in a SWPPP shall reflect the identified potential sources of pollutants to storm water at the facility in Part C.2.

b. Reasonable and appropriate BMPs may include: reuse of collected storm water (such as for process water or as an irrigation source); inlet controls (such as oil/water separators); snow management activities; infiltration devices, detention/retention devices (including constructed wetlands); run-on/runoff controls; diversion structures; flow attenuation by use of open vegetated swales, natural depressions, and other practices; and, ponds. Where practicable, industrial materials and activities could be protected by a storm resistant shelter to prevent exposure to rain or snow.

c. The SWPPP must include the location and description of any treatment to remove pollutants that storm water receives.

d. The SWPPP must provide a description of measures to ensure the ongoing implementation and maintenance of BMPs. Inspections and maintenance activities, such as cleaning oil and grit separators or catch basins, must be documented and recorded. Incidents such as spills, leaks, other releases of potential pollutants, and/or other material/waste management problems, must also be documented and recorded.

e. The SWPPP must address Spill Prevention and Response Measures as follows:

   i. Areas where potential spills may occur that could contribute pollutants to storm water discharges, and their accompanying drainage points, must be identified clearly in the SWPPP.
   ii. Where appropriate, specific material-handling procedures, storage requirements, and use of equipment, such as diversion valves, should be considered in the SWPPP.
   iii. Procedures and necessary equipment for cleaning up spills must be identified in the SWPPP and made available to the appropriate personnel.
   iv. Emergency spill/response contact and/or notification numbers must be listed in the SWPPP.
   v. SWPPP records of spills must be updated when a significant spill or leak of hazardous substances occurs and must include a description of the specific origin and location of the release, a description of the materials released, an estimate of the quantity of the release, and a description of any remediation or cleanup measures which were taken.

f. The SWPPP must address Sediment and Erosion Control BMPs as follows:

   i. The SWPPP must describe sediment and erosion control BMPs including various structural, vegetative, and/or stabilization measures.
   ii. The SWPPP must allow for BMPs to be implemented as necessary.
   iii. The SWPPP must address areas which have a higher potential for erosion due to topography, slope characteristics, facility activities, and/or other factors.
   iv. An assessment of the nature of any fill material to be used, the existing soils located at the site, and the erodibility of such soils must be provided in the SWPPP.
   v. Storm water discharges associated with construction activity at the facility site may be included under this permit provided the SWPPP is developed or revised to address these discharges as follows:

      - The SWPPP must identify and locate the BMPs to be used during and after the construction project to control sediment discharges to surface waters;
      - Final stabilization of disturbed areas must be ensured;

- This Sediment and Erosion Control section of the SWPPP must be updated with a SWPPP modification to reflect new construction activity as necessary; and,
- Any SWPPP modification must be submitted to DEQ prior to the start of construction.

vi. The SWPPP may include the use of BMPs such as sediment basins, detention/retention structures, berms, barriers, filter strips, covers, diversion structures, sediment control fences, straw bale dikes, seeding, sodding, and/or other control structures. Any SWPPP elements that require engineered structures, such as detention ponds or diversion structures, must be prepared by a qualified individual using good standard engineering practices.

4. SWPPP Site Map or Plan

The SWPPP must include a site map or plan which indicates the following:

a. An identification of each point source discharge of storm water with a delineated outline of the respective drainage area;

b. Each required point source discharge of storm water sampling location (with the formal number indicated on the map as designated on DMR forms);

c. Delineated drainage patterns which clearly indicate the storm water runoff flow patterns (such as using arrows or detailed topographic contours to show which direction storm water will flow);

d. The "areas" identified in Part C.2.a. and c.;

e. The "BMPs" identified in Part C.3.;

f. Major permanent facility structures;

g. Each well where liquids associated with the facility are injected underground including any storm water conveyances;

h. Location and source of runoff from adjacent property containing significant quantities of pollutants of concern to the facility as discussed in Part C.2.d.;

i. Location of all surface waters on or near to the construction activity site (including perennial and intermittent waterbodies, ephemeral streams, springs, wetlands with standing water, etc.);

j. A map scale;

k. A north arrow; and,

l. For construction activities:

i. Areas of total development and, at a minimum, areas of "disturbance" related to construction activity (including support activities related to a construction site such as concrete or asphalt batch plants, equipment staging areas, material storage areas, soil stockpile areas, material borrow areas, etc.);
ii. Location of all erosion and sediment control BMPs;
iii. Location of impervious structures (including buildings, roads, parking lots, outdoor storage areas, etc.) after construction is completed;
iv. Areas where vegetative BMPs are to be implemented;
v. Approximate slopes anticipated after major grading activities; and,
vi. The boundary of the 100-year floodplain, if determined.

5. Comprehensive Site Inspection and Compliance Evaluation Report

a. For storm water discharges that are associated with industrial, mining, oil and gas, and construction activity with construction-related disturbance of five acres or more of total land area, a Comprehensive Site Inspection must be performed annually to identify areas contributing to the regulated storm water discharge and to evaluate whether BMPs to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of this permit. For inactive mining operations, if annual inspections are impracticable, then a certification once every three years by a registered professional engineer that the facility is in compliance with the permit, or alternative requirements, can be performed instead of an annual Comprehensive Site Inspection.

b. A Comprehensive Site Inspection must assess the following:

i. Whether the description of potential pollutant sources is accurate as required under Part C.2. of this permit;
ii. Whether the site map has been updated or otherwise modified to reflect current conditions;
iii. Whether the BMPs to control potential pollutants in storm water discharges as identified in the SWPPP and Part C.3. are being effectively implemented; and,
iv. Whether any SWPPP revisions such as additional BMPs are necessary.

c. Based on the results of the Comprehensive Site Inspection, the description of potential pollutant sources and BMPs identified in the SWPPP must be revised as appropriate within 14 days of such inspection and must provide for implementation of the changes to the SWPPP in a timely manner.

d. A Compliance Evaluation Report must be submitted to DEQ addressing the Comprehensive Site Inspection performed during each calendar year.

i. The report must identify personnel making the inspection and the date(s) of the inspection.

ii. The report must summarize observations made based on the items stated in Part C.5.b.
iii. The report must summarize actions taken in accordance with Part C.5.c.
iv. The report must be retained with the SWPPP.
v. The permittee shall submit a copy of the report to DEQ by January 28th of each year for the preceding calendar year's inspection.
vi. The report must identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report must contain a certification that the facility is in compliance with the SWPPP and this permit.
vii. The report must be signed in accordance with the signatory requirements stated in Part III.C.7 of this permit.

e. A tracking or follow-up procedure, including a schedule for implementation, must be used and identified in the Report which ensures adequate response and corrective actions have been taken in response to the Comprehensive Site Inspection and/or noncompliances.

f. Records of the Comprehensive Site Inspection, the Compliance Evaluation Report, and any related follow-up actions must be maintained by the permittee.

D. Reopener Provisions

This permit shall 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 limitations 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 limitations or the water quality management plan. Trigger Values are used to determine if a given increase in the concentration of toxic parameters is significant or non-significant as per the non-degradation rules ARM 17.30.701 et seq. and are listed in Circular DEQ-7.

3. **TMDL or Wasteload Allocation**
TMDL requirements or a wasteload allocation is developed and approved by DEQ and/or USEPA 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 Clean Water Act Section 307(a) 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 Limitations – Not Applicable

E. Storm Water Management

See SWPPP discussion in part II.B, above.

III. STANDARD CONDITIONS

A. Monitoring, Recording, and Reporting

1. **Representative Sampling:** Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity [*ARM 17.30.1342(10)(a)*].

2. **Monitoring and Reporting Procedures:** Monitoring results must be reported on a DMR form at the intervals specified in Part I of this permit. Calculations for all limitations that require averaging of measurements must use an arithmetic mean unless otherwise specified by DEQ in the permit [*ARM 17.30.1342(12)(d)(i),(iii)*]. Monitoring must be conducted according to test procedures approved under Title 40 of the Code of Federal Regulations (40 CFR) Part 136, unless other test procedures have been specified in this permit [*ARM 17.30.1342(10)(d)*].

3. **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 [*MCA 75-5-633*].

4. **Compliance Schedule Reporting:** 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 [*ARM 17.30.1342(12)(e)*].

5. **Additional Monitoring by the permittee:** If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR [*ARM 17.30.1342(12)(d)(ii)*].

6. **Records Contents** [*ARM 17.30.1342(9)(c)*]: Records of monitoring information must include:
   - **a.** the date, exact place, and time of sampling or measurements;
   - **b.** the initials or name(s) of the individual(s) who performed the sampling or measurements;
   - **c.** the date(s) analyses were performed;
   - **d.** the initials or name(s) of individual(s) who performed the analyses;
   - **e.** the analytical techniques or methods used; and
   - **f.** the results of such analyses;

7. **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 [*ARM 17.30.1342(10)(b)*].

8. **Twenty-four Hour Notification** [*ARM 17.30.1342(12)(f)*]: The permittee shall report any serious incident of noncompliance affecting the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances.
   a. *Oral notification.* The report shall be made orally to the Water Protection Bureau at (406) 444-3080 or the Office of Disaster and Emergency Services at (406) 841-3911. The following examples are considered serious incidents of noncompliance:
      i. Any noncompliance which might seriously endanger health or the environment;
      ii. Any unanticipated bypass that exceeds any effluent limitation in the permit (See Subsection III.B.7 of this permit, "Bypass of Treatment Facilities");
      iii. Any upset which exceeds any effluent limitation in the permit (See Subsection III.B.8 of this permit, "Upset Conditions") or;
      iv. Violation of a maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit to be reported within 24 hours.
   b. *Written notification.* 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:
      i. A description of the noncompliance and its cause;
      ii. The period of noncompliance, including exact dates and times;
      iii. The estimated time noncompliance is expected to continue if it has not been corrected; and
      iv. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
   c. *Waiver of written notification requirement*: 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. Reports shall be submitted to the addresses in Subsection I.C.5 of this permit ("Discharge Monitoring Reports").

9. **Other Noncompliance Reporting**: Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Subsection I.C.5 of this permit ("Discharge Monitoring Reports") are submitted. The reports shall contain the information listed in Subsection III.A.8 of this permit ("Twenty-four Hour Notification") [*ARM 17.30.1342(12)(g)*].

10. **Inspection and Entry** [*ARM 17.30.1342(9)*]: The permittee shall allow the head of DEQ, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
   a. 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;
   b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
   c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Montana Water Quality Act, any substances or parameters at any location.

B. Compliance Responsibilities

1. **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. [*ARM 17.30.1342(1)*]

2. **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 to the permitted facility may meet one of the criteria for determining whether a facility is a new source under ARM 17.30.1340(2); or
   - The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under ARM 17.30.1343(1)(a).

   The permittee shall give advance notice to DEQ of any planned changes at the permitted facility or of an activity that could result in noncompliance with permit requirements. [*ARM 17.30.1342(12)(b)*]

3. **Penalties for Violations of permit Conditions**
   a. In an action initiated by DEQ to collect civil penalties against a person who is found to have violated a permit condition, the person is subject to a civil penalty not to exceed $25,000. Each day of violation constitutes a separate violation [*MCA 75-5-631* and *ARM 17.30.1342(1)(b)*].

   b. The Montana Water Quality Act provides that any person who willfully or negligently violates a prohibition or permit condition is subject, upon conviction, to 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 75-5-632* and *ARM 17.30.1342(1)(b)*].

   c. 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.

   d. Except as provided in permit conditions on Subsection III.B.7 of this permit ("Bypass of Treatment Facilities") and Subsection III.B.8 of this permit ("Upset Conditions"), nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

4. **Need to Halt or Reduce Activity Not a Defense:** It may 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 [*ARM 17.30.1342(3)*].

5. **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 [*ARM 17.30.1342(4)*].

6. **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 [*ARM 17.30.1342(5)*].

7. **Bypass of Treatment Facilities** [*ARM 17.30.1342(13)*]
   a. *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 under "Prohibition of bypass" and "Notice" (Subsections III.B.7.b and c of this permit) below.

   b. *Prohibition of bypass.* Bypass is prohibited and DEQ may take enforcement action against a permittee for a bypass, unless:
      i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
      ii. 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
      iii. The permittee submitted notices as required under "Notice" below (Subsection III.B.7.c of this permit).

   c. *Notice*:
      i. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
      ii. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Subsection III.A.8 of this permit ("Twenty-four Hour Reporting").

   d. *Approval of bypass under certain conditions.* DEQ may approve an anticipated bypass, after considering its adverse effects, if DEQ determines that it will meet the three conditions listed above under "Prohibition of bypass" (Subsection III.B.7.b of this permit).

8. **Upset Conditions** [*ARM 17.30.1342(14)*]
   a. *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 Subsection III.B.8.2 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.

   b. *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:
      i. An upset occurred and that the permittee can identify the cause(s) of the upset;
      ii. The permitted facility was at the time being properly operated;
      iii. The permittee submitted notice of the upset as required under Subsection III.A.8 of this permit ("Twenty-four Hour Notification"); and
      iv. The permittee complied with any remedial measures required under Subsection III.B.5 of this permit, ("Duty to Mitigate").

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

C. <u>**General Requirements**</u>

1. **Planned Changes** [*ARM 17.30.1342(12)(a)*]: 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:
   a. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under Subsection III.D.1 of this permit ; or

   b. The alteration or addition to the permitted facility may meet one of the criteria in ARM 17.30.1340(2) for determining whether a facility is a new source.

2. **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 [*ARM 17.30.1342(12)(b)*].

3. **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 [*ARM 17.30.1342(6)*].

4. **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 first apply for and obtain a new permit. [*ARM 17.30.1342(2)*] In accordance with ARM 17.30.1322(4),

the application must be submitted at least 180 days before the expiration date of this permit.

5. **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 modifying, revoking 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 [*ARM 17.30.1342(8)*].

6. **Other Information:** Where 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 [*ARM 17.30.1342(12)(h)*].

7. **Signatory Requirements**
   a. All applications, reports or information submitted to DEQ shall be signed and certified [*ARM 17.30.1342(11)*].

   b. All permit applications must be signed as follows:
   i. *For a corporation*: By a responsible corporate officer, which means
      1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
      2) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
   ii. *For a partnership or sole proprietorship*: By a general partner or the proprietor, respectively.
   iii. *For a municipality, state, federal, or other public agency*: By either a principal executive officer or ranking elected official. A principal executive office of a federal agency includes:
      1) The chief executive officer of the agency; or
      2) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

   c. *Authorized representatives*. All reports required by the permit and other information requested by DEQ shall be signed by a person described above in Subsection III.C.7.b of this permit or by a duly authorized representative of that person. A person is considered a duly authorized representative only if:
   i. The authorization is made in writing by a person described above in Subsection III.C.7.b and submitted to DEQ; and
   ii. The authorization specifies 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 well field, 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).

d. *Changes to authorization.* If an authorization under Subsection III.C.7.c 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 Subsection III.C.7.c 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.

e. *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."

8. **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 both [*MCA 75-5-633*].

9. **Property or Water Rights:** The issuance of this permit does not convey any property or water rights of any sort, or any exclusive privilege [*ARM 17.30.1342(7)*].

10. **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 [*ARM 17.30.1302*].

11. **Transfers** [*ARM 17.30.1360(2)*]: This permit may be automatically transferred to a new permittee if:
    a. The current permittee notifies DEQ at least 30 days in advance of the proposed transfer date;
    b. 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;
    c. 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 Subsection III.C.11.b of this permit; and

d. Required annual and application fees have been paid.

12. Fees [*ARM 17.30.201(8)*]: 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:

a. Impose an additional assessment consisting of 15% of the fee plus interest on the required fee computed at the rate established under 15-31-510(3), MCA, or

b. 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 subsection. Suspensions are limited to one year, after which the permit will be terminated.

D. Notification Levels

1. The permittee shall comply with effluent standards or prohibitions established under Clean Water Act Section 307(a) 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 [*ARM 17.30.1342(1)(a)*].

2. Notification shall be provided to DEQ as soon as the permittee knows of, or has reason to believe [*ARM 17.30.1343(1)(a)*]:

a. 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":

i. One hundred micrograms per liter (100 μg/l);

ii. 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;

iii. 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

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

b. 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":

i. Five hundred micrograms per liter (500 μg/l);

ii. One milligram per liter (1 mg/l) for antimony;

iii. 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

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

IV. DEFINITIONS AND ABBREVIATIONS

"1-year, 2-year, and 10-year, 24-hour precipitation events" means the maximum 24-hour precipitation event with a probable recurrence interval of once in one, two, and ten years, respectively, as defined by the National Weather Service Technical Paper No. 40, *Rainfall Frequency Atlas of the U.S.*, May 1961, or equivalent regional or rainfall probability information developed therefrom.

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

"Active mining area" means the area, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits. This term excludes coal preparation plants, coal preparation plant associated areas, and post-mining areas.

"Acute Toxicity" occurs when 50 percent or more mortality is observed for either species (See Subsection 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.

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

"Alkaline mine drainage" means mine drainage which, before any treatment, has a pH equal or greater than 6.0, and total iron concentration of less than 10 mg/L.

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

"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.

"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.

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

"Best Management Practices" (BMPs) mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States.

"Bond release" means the time at which the appropriate regulatory authority returns a reclamation or performance bond based upon its determination that reclamation work has been satisfactorily completed.

"Brushing and grubbing area" means the area where woody plant materials that would interfere with soil salvage operations have been removed or incorporated into the soil being salvaged.

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

"CFR" means the Code of Federal Regulations.

"Chronic toxicity" occurs when, during a chronic toxicity test, the 25% inhibition concentration (IC_{25}) for any tested species is less than or equal to 100% effluent (i.e., $IC_{25} \leq 100\%$ effluent).

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

"Coal preparation plant" means a facility where coal is subjected to cleaning, concentrating, or other processing preparation in order to separate coal from its impurities and then is loaded for transit to a consuming facility.

"Coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.

"Composite samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the compositing period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:

a. Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
b. Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
c. Constant sample volume, time interval between samples proportional to flow (i.e. sample taken every "X" gallons of flow); and,
d. Continuous collection of sample, with sample collection rate proportional to flow rate.

"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.

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

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

"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.

"Effluent Limitations Guidelines" (ELGs) mean regulations published by the Administrator under Section 304(b) of the CWA that establishes national technology-based effluent requirements for a specific industrial category.

"EPA" or "USEPA" means the United States Environmental Protection Agency.

"GPM" means gallons per minute.

"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.

"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.

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

"Maximum Daily Limit" means the highest 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.

"mg/L" means milligrams per liter.

"Mine drainage" means any drainage, and any water pumped or siphoned, from an active mining area or a post-mining area.

"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))

"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.

"mL/L" means milliliters per liter.

"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.

"Reclamation area" means the surface area of a coal mine which has been returned to required contour and on which re-vegetation (specifically, seeding or planting) work has commenced.

"Regraded area" means the surface area of a coal mine that has been returned to required contour.

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

"Settleable solids" means that matter measured by the volumetric method specified in 40 CFR 434.64.

"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.

"SMCRA" means the Surface Mining Control and Reclamation Act.

"Storm water" means storm water runoff, snow melt runoff, and surface run-off and drainage in response to a precipitation event.

"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.

"Topsoil stockpiling area" means the area outside the mined-out area where topsoil is temporarily stored for use in reclamation, including containment berms.

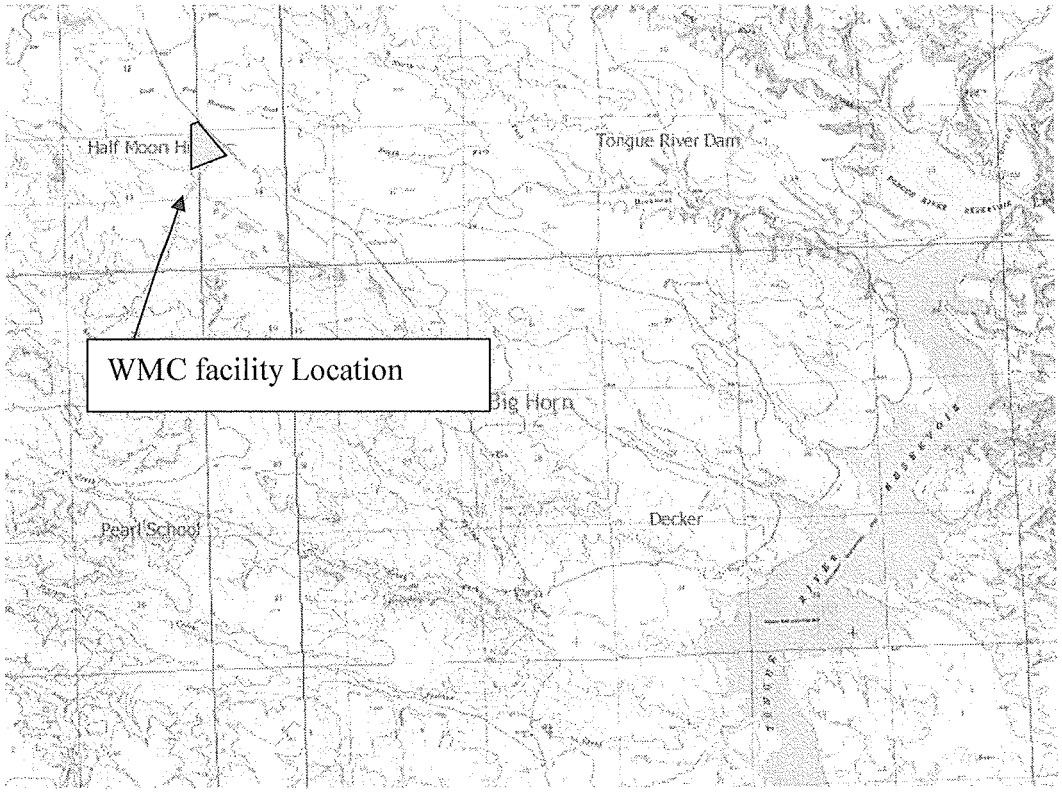
"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly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

ATTACHMENT I – MAP

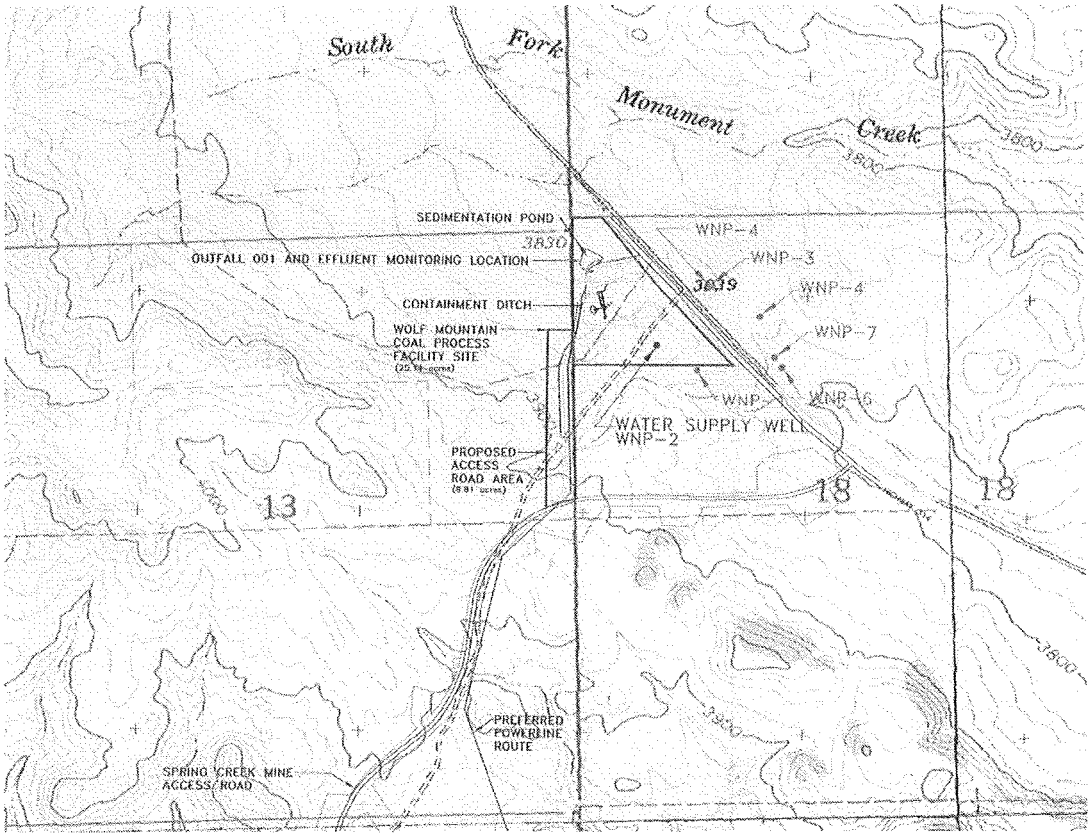
ATTACHMENT II – FLOW SCHEMATIC

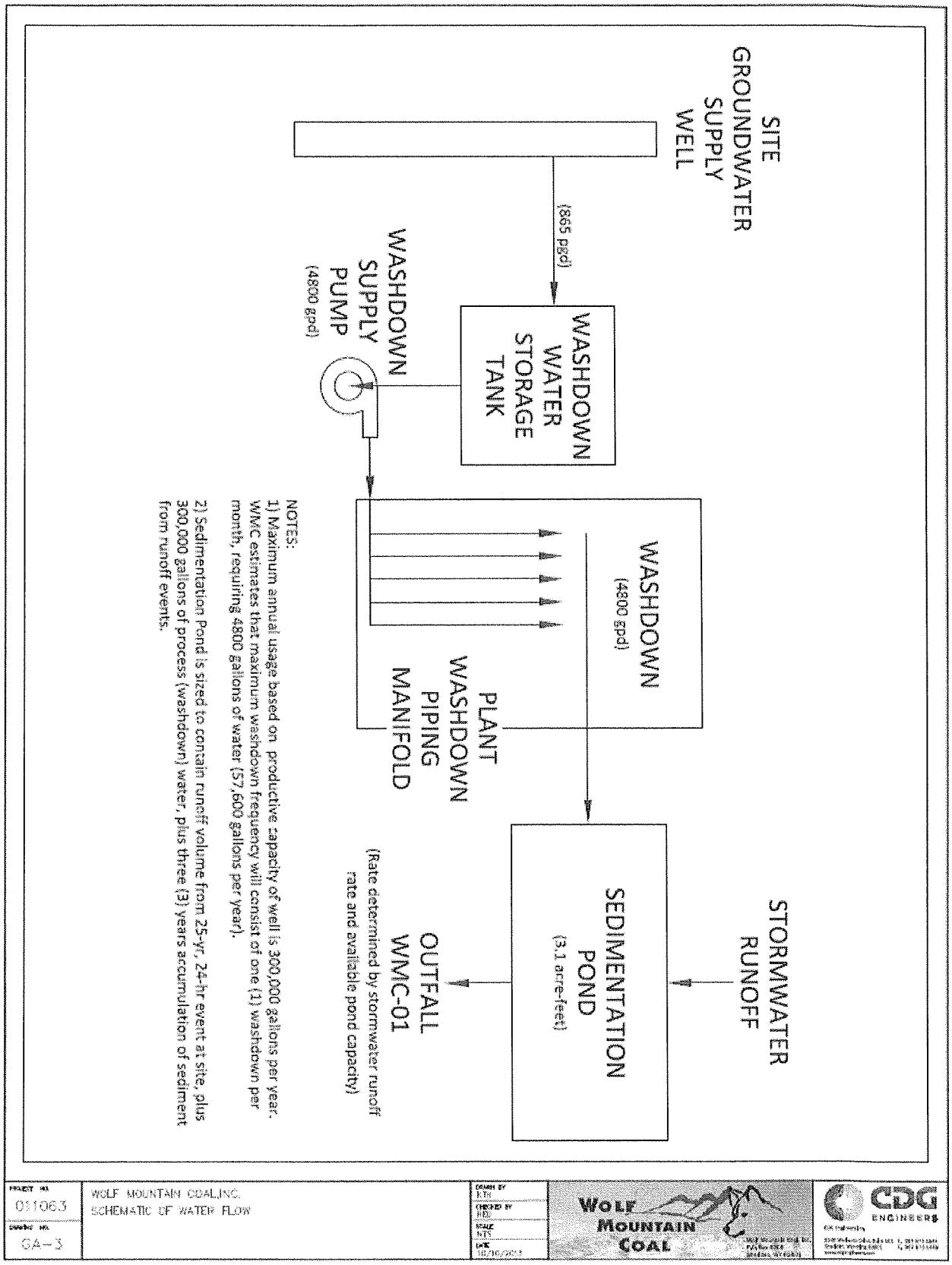
ATTACHMENT III – STATEMENT OF BASIS

ATTACHMENT I – MAPS



Map 1. General facility location.



Map 2. Proposed facility layout and Outfall 001 location.

ATTACHMENT II – FLOW SCHEMATIC