

**MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

**GENERAL PERMIT**

**For**

**DOMESTIC SEWAGE TREATMENT LAGOONS**

**Permit No.: MTG580000**

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.*, applicants issued a confirmation letter for this Domestic Sewage Treatment Lagoons General Permit, are authorized to discharge wastewater to state waters in accordance with effluent limits, monitoring requirements and other conditions set forth herein.

A copy of this General Permit and the written confirmation letter from DEQ must be kept on site at all times. The General Permit is not valid without a current letter from DEQ.

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

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

FOR THE MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY



Jenny Chambers, Chief  
Water Protection Bureau  
Permitting & Compliance Division

Issuance Date: September 27, 2012

**TABLE OF CONTENTS**

Cover Sheet--Issuance and Expiration Dates

**I. COVERAGE UNDER THIS GENERAL PERMIT ..... 3**

A. COVERAGE AREA ..... 3

B. SOURCES ELIGIBLE FOR COVERAGE UNDER THIS GENERAL PERMIT ..... 3

C. SOURCES EXCLUDED FROM COVERAGE UNDER THIS GENERAL PERMIT ..... 3

D. SOURCES COVERED UNDER THE 1999 GENERAL PERMIT – CONTINUING COVERAGE ..... 4

E. EXISTING SOURCES PREVIOUSLY COVERED UNDER AN INDIVIDUAL PERMIT SEEKING COVERAGE UNDER THE 2012-ISSUED GP ..... 5

F. NEW SOURCES SEEKING COVERAGE UNDER THE 2012-ISSUED GP ..... 5

G. TERMINATION OF PERMIT COVERAGE ..... 6

H. TRANSFER OF COVERAGE ..... 6

**II. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS ..... 7**

A. EFFLUENT LIMITS ..... 7

B. MONITORING REQUIREMENTS ..... 13

**III. SPECIAL CONDITIONS/COMPLIANCE SCHEDULE ..... 19**

A. COMPLIANCE SCHEDULE ..... 19

B. SPECIAL CONDITIONS ..... 19

C. LAGOON OPERATION AND MAINTENANCE (O&M) REQUIREMENTS ..... 19

D. SEASONAL LAND APPLICATION OF TREATED EFFLUENT ..... 20

E. INFLOW/INFILTRATION ..... 21

F. SEWAGE SLUDGE ..... 21

G. PRETREATMENT ..... 21

**IV. STANDARD CONDITIONS ..... 23**

A. DUTY TO COMPLY ..... 23

B. DUTY TO REAPPLY ..... 23

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE ..... 23

D. DUTY TO MITIGATE ..... 24

E. PROPER OPERATION AND MAINTENANCE ..... 24

F. PERMIT ACTIONS ..... 24

G. PROPERTY RIGHTS ..... 24

H. DUTY TO PROVIDE INFORMATION ..... 24

I. INSPECTION AND ENTRY ..... 24

J. MONITORING AND RECORDS—REPRESENTATIVE SAMPLING ..... 25

K. MONITORING AND RECORDS—RETENTION OF RECORDS ..... 25

L. MONITORING AND RECORDS—RECORDS CONTENTS ..... 25

M. MONITORING AND RECORDS—TEST PROCEDURES ..... 25

N. MONITORING AND RECORDS—FALSIFICATION AND TAMPERING ..... 25

O. SIGNATORY REQUIREMENT ..... 26

P. REPORTING REQUIREMENTS—PLANNED CHANGES ..... 27

Q. REPORTING REQUIREMENTS—ANTICIPATED NONCOMPLIANCE ..... 27

R. REPORTING REQUIREMENTS—TRANSFERS ..... 27

S. REPORTING REQUIREMENTS—MONITORING REPORTS ..... 28

T. REPORTING REQUIREMENTS—COMPLIANCE SCHEDULES ..... 28

U. REPORTING REQUIREMENTS—TWENTY-FOUR HOUR REPORTING ..... 28

V. REPORTING REQUIREMENTS—OTHER NONCOMPLIANCE ..... 29

W. REPORTING REQUIREMENTS—OTHER INFORMATION ..... 29

X. BYPASS ..... 29

Y. UPSET ..... 30

Z. FEES ..... 30

**V. DEFINITIONS AND ABBREVIATIONS ..... 32**

**Attachment A - Notice of Intent Form**

## I. COVERAGE UNDER THIS GENERAL PERMIT

### A. Coverage Area

This General Permit (GP) applies to all areas of the State of Montana, except for Indian Reservations.

### B. Sources Eligible for Coverage Under This General Permit

To be eligible for authorization under this GP, a facility must be a non-major facultative or aerated domestic sewage treatment lagoon, which includes Publicly-Owned Treatment Works (POTW) and Privately-Owned Treatment Works that treat domestic wastewater. The lagoon must have:

1. An average design flow less than 1.0 million gallons per day (mgd); and
2. No significant industrial contributors or indirect dischargers.

### C. Sources Excluded from Coverage Under This General Permit

1. DEQ may deny a general permit application for discharge for any of the following:
  - a. The specific source applying for authorization appears unable to comply with:
    - effluent limitations or other terms and conditions of the permit;
    - water quality standards established pursuant to 75-5-301, MCA; or
    - prohibition of any discharges to which the regional administrator has objected in writing.
  - b. The discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the General Permit.
  - c. An MPDES permit or authorization for the same operation has previously been denied or revoked.
  - d. The discharge to be authorized under a general MPDES permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, *et seq.*, MCA.
  - e. The point source will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.
2. In addition, the following sources are excluded from coverage from this GP:
  - a. Discharges to Outstanding Resource Waters or discharges to those waterbodies classified as A-1 or A-Closed waters.

- b. The facility is a “new or increased source” that discharges to “high quality water,” as defined in the Nondegradation of Water Quality Subchapter 7.

D. Sources Covered Under the 1999 General Permit – Continuing Coverage

Facilities currently covered under the 1999-issued GP remain administratively continued until the effective date of this renewed GP, at which time the 1999-issued GP expires. DEQ will send a letter to these facilities as part of the Final Determination package. The letter will require each facility to submit one of the following to DEQ within sixty (60) days:

1. a completed Notice of Intent (NOI) form (see Attachment A), requesting continued authorization under the renewed GP and containing updated information (no fee will be required for this informational update package);
2. a letter requesting termination under the GP, with certification from the Responsible Official that the facility is non-discharging; or
3. a letter requesting termination under the GP, with submittal of the appropriate application requesting coverage under either an individual MPDES surface water or ground water discharge permit.

The 2012-issued GP will become effective approximately 90 days after the signature date for final issuance. If no response is submitted to DEQ by the effective date of this renewed GP, the facility’s coverage under the Domestic Sewage Treatment Lagoon General Permit will expire and the facility will no longer have authorization to discharge. Any discharge to state waters without a current permit constitutes a violation of the Montana Water Quality Act.

Within 30 days of receipt of a facility’s NOI submittal package for renewal, DEQ will make a completeness determination and will notify the facility if their NOI package is incomplete. Once a complete NOI package is received, the facility is automatically covered under the renewed GP until DEQ either:

1. Issues a confirmation letter to the facility authorizing discharge under the renewed GP, which includes criteria specific to the subcategories that the facility is assigned; or
2. Notifies the applicant that the source does not qualify for authorization under the GP.

If the source is ineligible for coverage under this GP, DEQ shall proceed, unless the application is withdrawn, to process the application through the individual MPDES permit requirements under Administrative Rules of Montana (ARM) Chapter 17 Subchapter 13. The submittal of additional fees and information will be required by DEQ prior to the issuance of an individual permit.

Coverage under a MPDES permit, including a general permit, is renewable on a five-year basis. The permittee will be required to comply with all requirements contained in this GP from the effective date until they renew, apply for individual coverage, or terminate their coverage. All dischargers authorized under this GP will have the same date of expiration, which will coincide with the expiration of the GP.

E. Existing Sources Previously Covered Under an Individual Permit Seeking Coverage Under the 2012-Issued GP

If an existing facility that is covered under an individual MPDES permit desires coverage under this GP, they must submit a complete NOI package, including the NOI fee and a termination request for their MPDES individual permit.

DEQ will make a completeness determination within 30 days of receipt of a facility's NOI submittal package and will notify the facility if their NOI package is incomplete. Once a complete NOI package is received, the facility must continue to comply with their individual MPDES permit until DEQ either:

1. Issues a confirmation letter to the facility authorizing discharge under this GP, which includes criteria specific to the subcategories that the facility is assigned. In order to comply with anti-backsliding requirements, any existing permit requirements that were imposed on the facility through the individual permit will be included, unless the limits under the GP are more stringent. Upon a facility's coverage under this GP, DEQ shall terminate the facility's individual permit; or
2. Notifies the applicant that the source does not qualify for authorization under the GP and that coverage under the individual MPDES permit will be maintained.

Coverage under a MPDES permit, including a general permit, is renewable on a five-year basis. The permittee will be required to comply with all requirements contained in this GP from the effective date until they renew, apply for individual coverage, or terminate their coverage. All dischargers authorized under this GP will have the same date of expiration, which will coincide with the expiration of the GP.

F. New Sources Seeking Coverage Under the 2012-Issued GP

A new discharger to an ephemeral waterbody may request coverage under this GP. New dischargers to waters other than ephemeral are not eligible for coverage under this GP, since they will need to be evaluated for nondegradation through an individual permit process.

If a new discharger to an ephemeral waterbody desires coverage under this GP, they must submit a complete NOI package, including the NOI fee. DEQ will make a completeness determination within 30 days of receipt of a facility's NOI submittal package and will notify the facility if their NOI package is incomplete. Once a complete NOI package is received, the facility is automatically covered under this GP until DEQ either:

1. Issues a confirmation letter to the facility authorizing discharge under this GP, which includes criteria specific to the subcategories that the facility is assigned; or
2. Notifies the applicant that the source does not qualify for authorization under the GP.

If the source is ineligible for coverage under this GP, DEQ shall proceed, unless the application is withdrawn, to process the application through the individual MPDES permit requirements under ARM, Chapter 17 Subchapter 13. The submittal of additional

fees and information will be required by DEQ prior to the issuance of an individual permit.

Coverage under a MPDES permit, including a general permit, is renewable on a five-year basis. The permittee will be required to comply with all requirements contained in this GP from the effective date until they renew, apply for individual coverage, or terminate their coverage. All dischargers authorized under this GP will have the same date of expiration, which will coincide with the expiration of the GP.

G. Termination of Permit Coverage

Permittees are authorized to operate for the duration of the permit (five years or until the General Permit is again renewed) provided they pay the annual fee. Permit authorizations remain in effect, unless DEQ receives notice from the permittee that the activity will not be continued. This notice must be signed and certified in accordance with the signatory requirements in Part IV.O of this General Permit. The facility remains responsible for payment of all applicable fees. Failure to submit a termination request shall result in accrual of annual fees until such notice is received by DEQ.

In addition to the ability to request a termination, the owner or operator of a facility covered under this General Permit may request to be excluded from coverage under this General Permit by applying for and obtaining an individual MPDES permit pursuant to ARM Title 17, Chapter 30, Subchapter 13. If an individual MPDES permit is issued to the owner or operator of the facility, coverage under this General Permit is terminated on the effective date of the final individual MPDES permit.

H. Transfer of Coverage

DEQ may transfer the authorization to a new owner or operator in conformance with Part IV.R of this General Permit.

## II. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

### A. Effluent Limits

The limits for each facility authorized under this GP are comprised of both the appropriate Technology-based Effluent Limits (TBELs) and Water Quality-based Effluent Limits (WQBELs). These limits and the outfall location for each facility are identified in a confirmation letter sent by DEQ to the facility owner/operator.

#### 1. TBELs:

DEQ will assign each facility to one of the following three TBEL groups and provide the associated concentration-based effluent limits:

- TBEL Group A – National Secondary Standards (NSS) (see Table 1)
- TBEL Group B – NSS/Treatment Equivalent to Secondary (TES) (see Table 2)
- TBEL Group C – NSS/Alternate State Requirements (ASR) (see Table 3)

In addition, DEQ will provide each facility with specific mass-based effluent limits. The mass-based limits will be derived from Equation 1:

*Equation 1: Mass-based Load Limits*

30-day average load (lb/day) <sup>(1)</sup>

$$= \text{avg daily design flow (mgd)} \times \text{30-day avg concentration limit (mg/L)} \times 8.34 \text{ conversion}$$

7-day average load (lb/day)

$$= \text{avg daily design flow (mgd)} \times \text{7-day avg concentration limit (mg/L)} \times 8.34 \text{ conversion}$$

**Footnote:** (1) If a facility's nondegradation allocated load is more restrictive (for instance the average design flow for the facility in 1993 was lower than the current design flow), then the nondegradation allocated load for that facility will supersede the mass-based 30-day limit.

a. TBEL Group A – NSS

Each facility assigned to Group A must meet the following effluent limits listed in Table 1, beginning on the effective date of the permit and lasting until the end of the permit term:

Table 1. TBEL Group A- NSS Technology-Based Effluent Limits <sup>(1)</sup>				
Parameter	Units	Average Monthly Limit	Average Weekly Limit	Rationale
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>(2)</sup>	mg/L	30	45	40 CFR 133.102(a)
	lbs/day	<i>Equation 1</i> <sup>(3)</sup>	<i>Equation 1</i>	
	% removal	85 <sup>(4)</sup>	NA	
Total Suspended Solids (TSS) <sup>(5)</sup>	mg/L	30	45	40 CFR 133.102(b)
	lbs/day	<i>Equation 1</i>	<i>Equation 1</i>	
	% removal	85 <sup>(4)</sup>	NA	
pH <sup>(6)</sup>	s.u.	6.0-9.0 (instantaneous)		40 CFR 133.102(c)

Footnotes:

- See Definitions section at end of permit for explanation of terms.
- CBOD<sub>5</sub> limits contained in 40 CFR 133.102(a)(4) may replace BOD<sub>5</sub> limits for the term of the permit if requested by the permittee during the renewal application process and approved by DEQ.
- The mass-based limits will be calculated from Equation 1.
- The arithmetic mean of the values for effluent BOD<sub>5</sub> or TSS samples collected in a period of 30 consecutive days must not exceed 15% of the arithmetic mean of the values for influent samples collected at approximately the same time during the same period (85% removal). Monitoring reports for this requirement will become effective **January 1, 2017** for facilities renewing the 1999-issued GP.
- Facilities that demonstrate 'eligibility to meet TES' for TSS are instead required to meet the effluent limits in Table 2. Facilities that can demonstrate 'eligibility to meet ASR' for TSS will instead meet the effluent limits in Table 3.
- Effluent pH must remain between 6.0 and 9.0 unless a variation occurs which is due to natural biological processes. For compliance purposes, any single analysis and/or measurement beyond this limit shall be considered a violation of the conditions of this permit.

b. TBEL Group B – NSS/TES

Each facility assigned to Group B must meet the following effluent limits listed in Table 2, beginning on the effective date of the permit and lasting until the end of the permit term:

Table 2. TBEL Group B - NSS/TES Technology-Based Effluent Limits <sup>(1)</sup>				
Parameter	Units	Average Monthly Limit	Average Weekly Limit	Rationale
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>(2)</sup>	mg/L	30	45	40 CFR 133.102(a)
	lbs/day	<i>Equation 1</i> <sup>(3)</sup>	<i>Equation 1</i>	
	% removal	85 <sup>(4)</sup>	NA	
Total Suspended Solids (TSS) <sup>(5)</sup>	mg/L	45	65	40 CFR 133.105(b)
	lbs/day	<i>Equation 1</i>	<i>Equation 1</i>	
	% removal	65 <sup>(6)</sup>	NA	
pH <sup>(7)</sup>	s.u.	6.0-9.0 (instantaneous)		40 CFR 133.102(c)

Footnotes:

- See Definitions section at end of permit for explanation of terms.
- CBOD<sub>5</sub> limits contained in 40 CFR 133.102(a)(4) may replace BOD<sub>5</sub> limits for the term of the permit if requested by the permittee during the renewal application process and approved by DEQ.
- The mass-based limits will be calculated from Equation 1.
- The arithmetic mean of the values for effluent BOD<sub>5</sub> samples collected in a period of 30 consecutive days shall not exceed 15% of the arithmetic mean of the values for influent samples collected at approximately the same time during the same period (85% removal). Monitoring reports for this requirement will become effective **January 1, 2017** for facilities renewing the 1999-issued GP.
- Facilities that can demonstrate 'eligibility to meet ASR' for TSS will instead meet the effluent limits in Table 3.
- The arithmetic mean of the values for effluent TSS samples collected in a period of 30 consecutive days shall not exceed 35% of the arithmetic mean of the values for influent samples collected at approximately the same time during the same period (65% removal). Monitoring reports for this requirement will become effective **January 1, 2017** for facilities renewing the 1999-issued GP.
- Effluent pH shall remain between 6.0 and 9.0 unless a variation occurs which is due to natural biological processes. For compliance purposes, any single analysis and/or measurement beyond this limit shall be considered a violation of the conditions of this permit.

c. TBEL Group C – NSS/ASR

Each facility assigned to Group C must meet the following effluent limits listed in Table 3, beginning on the effective date of the permit and lasting until the end of the permit term:

Table 3: TBEL Group C - NSS/ASR Technology-Based Effluent Limits <sup>(1)</sup>				
Parameter	Units	Average Monthly Limit	Average Weekly Limit	Rationale
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>(2)</sup>	mg/L	30	45	40 CFR 133.102(a)
	lbs/day	<i>Equation 1</i> <sup>(3)</sup>	<i>Equation 1</i>	
	% removal	85 <sup>(4)</sup>	NA	
Total Suspended Solids (TSS)	mg/L	100	135	40 CFR 133.103(c), 133.105(d), and 133.105(b)
	lbs/day	<i>Equation 1</i>	<i>Equation 1</i>	
	% removal	65 <sup>(5)</sup>	NA	
pH <sup>(6)</sup>	s.u.	6.0-9.0 (instantaneous)		40 CFR 133.102(c)

Footnotes:

1. See Definitions section at end of permit for explanation of terms.
2. CBOD<sub>5</sub> limits contained in 40 CFR 133.102(a)(4) may replace BOD<sub>5</sub> limits for the term of the permit if requested by the permittee during the renewal application process and approved by DEQ.
3. The mass-based limits will be calculated from Equation 1.
4. The arithmetic mean of the values for effluent BOD<sub>5</sub> samples collected in a period of 30 consecutive days shall not exceed 15% of the arithmetic mean of the values for influent samples collected at approximately the same time during the same period (85% removal). Monitoring reports for this requirement will become effective **January 1, 2017** for facilities renewing the 1999-issued GP.
5. The arithmetic mean of the values for effluent TSS samples collected in a period of 30 consecutive days shall not exceed 35% of the arithmetic mean of the values for influent samples collected at approximately the same time during the same period (65% removal). Monitoring reports for this requirement will become effective **January 1, 2017** for facilities renewing the 1999-issued GP.
6. Effluent pH shall remain between 6.0 and 9.0 unless a variation occurs which is due to natural biological processes. For compliance purposes, any single analysis and/or measurement beyond this limit shall be considered a violation of the conditions of this permit.

2. **WQBEL:**

In addition to TBELs, each facility will also be assigned interim and final WQBELs in their confirmation letter.

a. Interim WQBELs

Beginning on the effective date of the permit and ending on midnight December 31, 2016, facilities are subject to the following interim effluent limits:

<b>Table 4. Interim WQBEL <sup>(1)</sup></b>				
Parameter	Units	Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit
Total Residual Chlorine (TRC) <sup>(2)</sup>	mg/L	0.011	--	0.019
<b>Additional Limits</b>				
<i>Escherichia coli</i> ( <i>E. coli</i> ) bacteria	cfu/100 mL	(3)	(3)	--
Ammonia, as N	mg/L	(3)	--	(3)
Nitrate + Nitrite, as N	mg/L	(3)	--	(3)
Total Nitrogen, as N (TN) <sup>(4)</sup>	mg/L	(3)	--	--
Total Phosphorus, P (TP)	mg/L	(3)	--	--
Other Parameters (WLA and other previous permit limits)	mg/L	(3)	--	(3)
Footnotes:				
1. See Definitions section at end of permit for explanation of terms.				
2. An approved sampling method for TRC is required if chlorine is used for disinfection. Analytical results of less than 0.1 mg/L are considered in compliance with the TRC limit.				
3. Any facility with an existing Wasteload Allocation (WLA) or effluent limit will be required to continue to meet these limits. The additional requirements will be specified in the confirmation letter to the facility.				
4. TN is calculated as the sum of Nitrate + Nitrite as N and Total Kjeldahl Nitrogen (TKN) concentrations.				

b. Final Limits

In addition to the TBELs, beginning on **January 1, 2017**, and lasting the duration of this permit, facilities are subject to the following final WQBELs:

<b>Table 5. Final WQBEL <sup>(1)</sup></b>				
Parameter	Units	Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit
<i>E. coli</i> bacteria - summer <sup>(2,3)</sup>	cfu/100 mL	126	252	--
<i>E. coli</i> bacteria - winter <sup>(3,4)</sup>	cfu/100 mL	630	1,260	--
Total Residual Chlorine (TRC) <sup>(5)</sup>	mg/L	0.011	--	0.019
<b>Additional Limits</b>				
Ammonia, as N	mg/L	<sup>(6)</sup>	--	<sup>(6)</sup>
Nitrate + Nitrite, as N	mg/L	<sup>(6)</sup>	--	<sup>(6)</sup>
Total Nitrogen, as N (TN) <sup>(7)</sup>	mg/L	<sup>(6)</sup>	--	--
Total Phosphorus, P (TP)	mg/L	<sup>(6)</sup>	--	--
Other Parameters (WLA and other previous permit limits)	mg/L	<sup>(6)</sup>	--	<sup>(6)</sup>
Footnotes: 1. See Definitions section at end of permit for explanation of terms. 2. After <b>January 1, 2017</b> , all facilities are required to comply with this limit from April 1 through October 31 on an annual basis. 3. Report the geometric mean if more than one sample collected during the reporting period. 4. After <b>January 1, 2017</b> , all facilities are required to comply with this limit from November 1 through March 31 on an annual basis. 5. An approved sampling method for TRC is required if chlorine is used for disinfection. Analytical results of less than 0.1 mg/L are considered in compliance with the TRC limit. 6. Any facility with an existing WLA or effluent limit will be required to continue to meet these limits. The additional requirements will be specified in the confirmation letter to the facility. 7. TN is calculated as the sum of Nitrate + Nitrite as N and TKN concentrations.				

B. Monitoring Requirements

1. Effluent Monitoring

The self-monitoring frequency for each facility is based on their type of designed discharge frequency. The two main types are:

- A. Continuous dischargers are facilities that are designed to discharge on a continuous basis or discharge 270 continuous days or greater per calendar year (e.g., discharge for 10 months and then hold for two months during the annual turnover of the lagoon system).
- B. Batch dischargers are facilities that are designed to operate with periodic, controlled, or seasonal discharges. This includes non-discharging facilities that desire coverage under the 2012-issued GP.

Discharge monitoring must take place at the last point of control before the discharge leaving the treatment system enters the receiving water. By no later than January 1, 2017, all facilities under the 2012-issued GP must ensure flow monitoring is representative of the nature and volume of the discharge.

Any facility with a Total Maximum Daily Load (TMDL) WLA or TMDL monitoring requirement will have the monitoring requirements included in the confirmation letter. A facility permitted under an individual permit will include any additional monitoring that was required.

Samples shall be collected, preserved and analyzed in accordance with approved procedures listed in 40 CFR 136. Samples must be representative of the volume and quality of the effluent, and the analysis must meet any Required Reporting Values (RRVs) listed in the most recent Circular DEQ-7 unless a different minimum level (ML) is specified.

Reporting frequency shall be monthly (or quarterly where applicable) and must be reported by the 28th of the following month. Results shall be reported on a Discharge Monitoring Report (DMR) Form (EPA 3320-1) or equivalent. When monitoring frequency is more often than once per month, the permittee will be expected to report 30-day average and maximum daily values on the DMR. If no discharge occurs during the reporting period, "no discharge" shall be reported on the DMR.

a. Continuous Discharge Monitoring:

DEQ will assign monitoring for continuous dischargers based on the size of the facility, as presented in Tables 6 & 7:

- Small Continuous: Design average flow rate for this type of facility is less than 0.1 mgd. See Table 6 for monitoring requirements.
- Large Continuous: Design average flow rate for this type of facility is between 0.1 – 1.0 mgd. See Table 7 for monitoring requirements.

**Table 6: Self-Monitoring Requirements for Small Continuous Dischargers <sup>(1)</sup>**

Parameter	Unit	Monitoring Location	Sample Frequency <sup>(2)</sup>	Sample Type
Flow	mgd	Effluent	1/Week	<sup>(3)</sup>
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) (or CBOD <sub>5</sub> if appropriate <sup>(6)</sup> )	mg/L	Influent	1/Quarter <sup>(4)</sup>	Composite
	mg/L	Effluent	1/Month	Composite <sup>(5)</sup>
	% Removal	Effluent	1/Quarter <sup>(4)</sup>	Calculated
	lb/day	Effluent	1/Month	Calculated
Total Suspended Solids (TSS)	mg/L	Influent	1/Quarter <sup>(4)</sup>	Composite
	mg/L	Effluent	1/Month	Composite <sup>(5)</sup>
	% Removal	Effluent	1/Quarter <sup>(4)</sup>	Calculated
	lb/day	Effluent	1/Month	Calculated
pH	s.u.	Effluent	1/Month	Instantaneous
Oil and Grease <sup>(7)</sup>	mg/L	Effluent	1/Year	Grab
<i>E. coli</i> Bacteria	cfu/100 mL	Effluent	1/Month	Grab
Total Residual Chlorine (TRC) <sup>(8)</sup>	mg/L	Effluent	3/Week	Grab
Ammonia as N	mg/L	Effluent	1/Quarter	Composite <sup>(5)</sup>
Nitrate + Nitrite as N (NO <sub>3</sub> + NO <sub>2</sub> )	mg/L	Effluent	1/Month <sup>(9)</sup>	Composite <sup>(5)</sup>
Total Kjeldahl Nitrogen (TKN)	mg/L	Effluent	1/Month <sup>(9)</sup>	Composite <sup>(5)</sup>
Total Nitrogen as N (TN) <sup>(10)</sup>	mg/L	Effluent	1/Month <sup>(9)</sup>	Calculated
	lb/day	Effluent	1/Month <sup>(9)</sup>	Calculated
Total Phosphorus as P (TP)	mg/L	Effluent	1/Month <sup>(9)</sup>	Composite <sup>(5)</sup>
	lb/day	Effluent	1/Month <sup>(9)</sup>	Calculated
<b>Additional Monitoring <sup>(11)</sup></b>				
WQBELs/WLA	As specified	Effluent	As specified	As specified

Footnotes:

- See Definition section at end of permit for explanation of terms.
- Monitoring only required during periods of discharge. Frequency is based on calendar week, calendar month, etc.
- By no later than **January 1, 2017**, all facilities under the 2012-issued GP must ensure flow monitoring is representative of the nature and volume of the discharge.
- Beginning on **January 1, 2017**, facilities will be required to monitor influent BOD<sub>5</sub> and TSS composite samples for reporting % removal. Influent monitoring is required only if a discharge occurs during that reporting period.
- Effluent composite samples are 24-hour composite samples, using a minimum of four grab samples. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. This will be specified in the confirmation letter.
- CBOD<sub>5</sub> limits and monitoring may replace BOD<sub>5</sub> for the term of the permit if requested by the permittee during the renewal application process and approved by DEQ.
- Use EPA Method 1664, Revision A: N-Hexane Extractable Material (HEM), or equivalent.
- TRC monitoring is required if chlorine is used for disinfection during the reporting period. Otherwise report "NA" on the DMR. An approved sampling method must be performed whenever chlorine is utilized for disinfection. Analytical results of less than 0.1 mg/L are considered in compliance with the chlorine limit.
- Monitoring of nutrients, including NO<sub>3</sub> + NO<sub>2</sub>, is required monthly for the six warmer months of May through October.
- TN is calculated as the sum of Nitrate + Nitrite as N and TKN concentrations.
- Any existing effluent limits or monitoring requirements specified in an existing permit will be maintained. The requirements will be specified in the acknowledgement letter issued after receipt of a complete NOI.

**Table 7: Self-Monitoring Requirements for Large Continuous Dischargers <sup>(1)</sup>**

Parameter	Unit	Monitoring Location	Sample Frequency <sup>(2)</sup>	Sample Type
Flow <sup>(3)</sup>	mgd	Effluent	1/Week	<sup>(3)</sup>
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) (or CBOD <sub>5</sub> if appropriate) <sup>(7)</sup>	mg/L	Influent	1/Month <sup>(4)</sup>	Composite
	mg/L	Effluent	2/Month <sup>(5)</sup>	Composite <sup>(6)</sup>
	% Removal	Effluent	1/Month <sup>(4)</sup>	Calculated
	lb/day	Effluent	1/Month	Calculated
Total Suspended Solids (TSS)	mg/L	Influent	1/Month <sup>(4)</sup>	Composite
	mg/L	Effluent	2/Month <sup>(5)</sup>	Composite <sup>(6)</sup>
	% Removal	Effluent	1/Month <sup>(4)</sup>	Calculated
	lb/day	Effluent	1/Month	Calculated
pH	s.u.	Effluent	1/Week	Instantaneous
Oil and Grease <sup>(8)</sup>	mg/L	Effluent	1/Year	Grab
<i>E. coli</i> Bacteria	cfu/100 mL	Effluent	2/Month <sup>(5)</sup>	Grab
Total Residual Chlorine <sup>(9)</sup>	mg/L	Effluent	5/Week	Grab
Ammonia as N	mg/L	Effluent	1/Month	Composite <sup>(6)</sup>
Nitrate + Nitrite as N (NO <sub>3</sub> + NO <sub>2</sub> )	mg/L	Effluent	1/Month <sup>(10)</sup>	Composite <sup>(6)</sup>
Total Kjeldahl Nitrogen (TKN)	mg/L	Effluent	1/Month <sup>(10)</sup>	Composite <sup>(6)</sup>
Total Nitrogen as N (TN) <sup>(11)</sup>	mg/L	Effluent	1/Month <sup>(10)</sup>	Calculated
	lb/day	Effluent	1/Month <sup>(10)</sup>	Calculated
Total Phosphorus as P (TP)	mg/L	Effluent	1/Month <sup>(10)</sup>	Composite <sup>(6)</sup>
	lb/day	Effluent	1/Month <sup>(10)</sup>	Calculated
<b>Additional Monitoring <sup>(12)</sup></b>				
WQBELs/WLA	As specified	Effluent	As specified	As specified

Footnotes:

1. See Definition section at end of permit for explanation of terms.
2. Monitoring only required during periods of discharge. Frequency is based on calendar week, calendar month, etc.
3. By no later than **January 1, 2017**, all facilities under the 2012-issued GP must ensure flow monitoring is representative of the nature and volume of the discharge.
4. Beginning on **January 1, 2017**, facilities will be required to monitor influent BOD<sub>5</sub> and TSS composite samples for reporting %removal. Influent monitoring is required only if a discharge occurs during that reporting period.
5. Twice per month monitoring must be representative of both the first half and second half of the month. Samples must be taken at least one week apart.
6. Effluent composite samples are 24-hour composite samples, using a minimum of four grab samples. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. This will be specified in the confirmation letter.
7. CBOD<sub>5</sub> limits and monitoring may replace BOD<sub>5</sub> for the term of the permit if requested by the permittee during the renewal application process and approved by DEQ.
8. Use EPA Method 1664, Revision A: N-Hexane Extractable Material (HEM), or equivalent.
9. TRC monitoring is required if chlorine is used for disinfection during the reporting period. Otherwise report "NA" on the DMR. An approved sampling method must be performed whenever chlorine is utilized for disinfection. Analytical results of less than 0.1 mg/L are considered in compliance with the chlorine limit.
10. Monitoring of nutrients, including NO<sub>3</sub> + NO<sub>2</sub>, is required monthly for the six warmer months (May - October).
11. TN is calculated as the sum of Nitrate + Nitrite as N and TKN concentrations.
12. Any existing effluent limits or monitoring requirements specified in an existing permit will be maintained. The requirements will be specified in the acknowledgement letter issued after receipt of a complete NOI.

b. Batch (Periodic, Intermittent, Controlled, Seasonal) Discharge Monitoring:

Batch facilities are designed to operate with periodic, controlled, or seasonal discharges. This includes non-discharging facilities that desire coverage under the 2012-issued GP. Table 8 presents the self-monitoring requirements for batch facilities.

DEQ requires effluent monitoring on a calendar week for TBELs and *E. coli* bacteria. The last weekly sample for these parameters must be taken on the last day of discharge. DEQ also requires influent and QBEL monitoring for other parameters on a calendar basis, as specified in Table 8.

All of the effluent samples collected as part of the required monitoring are used to determine the averages for the reporting period. If only one sample is collected during that period then it is considered to be the average for that period. The permittee has the option of collecting additional samples and results, if appropriate.

**Table 8: Self-Monitoring Requirements for Batch Dischargers <sup>(1)</sup>**

Parameter	Units	Monitoring Location	Sample Frequency <sup>(2)</sup>	Sample Type
<b>Flow/TBELs</b>				
Flow	mgd	Effluent	1/Day	<sup>(3)</sup>
	days	Effluent	1/Day	Calculated
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) (or CBOD <sub>5</sub> if appropriate) <sup>(7)</sup>	mg/L	Influent	1/Month <sup>(4)</sup>	Composite
	mg/L	Effluent	1/Week <sup>(5)</sup>	Composite <sup>(6)</sup>
	% removal	Effluent	1/Month <sup>(4)</sup>	Calculated
	lb/day	Effluent	1/Month	Calculated
Total Suspended Solids (TSS)	mg/L	Influent	1/Month <sup>(4)</sup>	Composite
	mg/L	Effluent	1/Week <sup>(5)</sup>	Composite <sup>(6)</sup>
	% removal	Effluent	1/Month <sup>(4)</sup>	Calculated
	lb/day	Effluent	1/Month	Calculated
pH	s.u.	Effluent	1/Week <sup>(5)</sup>	Instantaneous
<b>WQBEL</b>				
Oil and Grease <sup>(8)</sup>	mg/L	Effluent	1/Year	Grab
<i>E. coli</i> Bacteria	cfu/100 mL	Effluent	1/Week <sup>(5)</sup>	Grab
Total Residual Chlorine (TRC)	mg/L	Effluent	5/Week <sup>(9)</sup>	Grab
Ammonia as N	mg/L	Effluent	2/Month	Composite <sup>(6)</sup>
Nitrate + Nitrite as N (NO <sub>3</sub> + NO <sub>2</sub> )	mg/L	Effluent	1/Month <sup>(10)</sup>	Composite <sup>(6)</sup>
Total Kjeldahl Nitrogen (TKN)	mg/L	Effluent	1/Month <sup>(10)</sup>	Composite <sup>(6)</sup>
Total Nitrogen as N (TN) <sup>(11)</sup>	mg/L	Effluent	1/Month <sup>(10)</sup>	Calculated
	lb/day	Effluent	1/Month <sup>(10)</sup>	Calculated
Total Phosphorus as P (TP)	mg/L	Effluent	1/Month <sup>(10)</sup>	Composite <sup>(6)</sup>
	lb/day	Effluent	1/Month <sup>(10)</sup>	Calculated

Footnotes:

- See Definition section at end of permit for explanation of terms.
- Monitoring only required during periods of discharge. Frequency is based on calendar week, calendar month, etc.
- By no later than **January 1, 2017**, all facilities under the 2012-issued GP must ensure flow monitoring is representative of the nature and volume of the discharge.
- Beginning on **January 1, 2017**, facilities will be required to monitor influent BOD<sub>5</sub> and TSS composite samples for reporting %removal. Influent monitoring is required only if a discharge occurs during that reporting period.
- The last weekly sample for these parameters must be taken on the last day of discharge.
- Effluent composite samples are 24-hour composite samples, using a minimum of four grab samples. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. This will be specified in the confirmation letter.
- CBOD<sub>5</sub> limits and monitoring may replace BOD<sub>5</sub> for the term of the permit if requested by the permittee during the renewal application process and approved by DEQ.
- Use EPA Method 1664, Revision A: N- HEM or equivalent.
- TRC monitoring only required if chlorine is used to disinfect during the reporting period. If not, report "NA" on the DMR. The approved sampling method must be performed whenever chlorine is utilized for disinfection. Analytical results less than 0.1 mg/L will be considered in compliance with the chlorine limit.
- Monitoring of nutrients, including NO<sub>3</sub> + NO<sub>2</sub>, is required monthly for the six warmer months of May through October.
- TN is calculated as the sum of Nitrate + Nitrite as N and TKN concentrations.

Table 8 con't: Additional Self-Monitoring Requirements for Batch Dischargers <sup>(1)</sup>				
Parameter	Units	Monitoring Location	Sample Frequency <sup>(2)</sup>	Sample Type
<b>Additional Monitoring <sup>(3)</sup></b>				
WQBELs/WLA	As specified	Effluent	As specified	As specified

Footnotes:

1. See Definition section at end of permit for explanation of terms.
2. Monitoring only required during periods of discharge.
3. Any existing effluent limits or monitoring requirements specified in an existing permit will be maintained. The requirements will be specified in the acknowledgement letter issued after receipt of a complete NOI.

## 2. Upstream Monitoring

Each facility shall monitor for the following parameters at a location in the receiving water upstream from their discharge point for three years (the second, third, and fourth year of coverage) during the permit term:

Table 9: Upstream Monitoring Requirements <sup>(1)</sup>			
Parameter	Units	Frequency <sup>(2)</sup>	Type
Nitrate + Nitrite, as N	mg/L	Quarterly	Grab
Ammonia, as N	mg/L	Quarterly	Grab
Total Kjeldahl Nitrogen (TKN)	mg/L	Quarterly	Grab
Total Nitrogen, as N (TN) <sup>(3)</sup>	mg/L	Quarterly	Calculated
Total Phosphorus, as P (TP)	mg/L	Quarterly	Grab
pH	s.u.	Monthly	Instantaneous
Temperature	deg C	Monthly	Instantaneous

Footnote:

1. See Definition section at end of permit for explanation of terms.
2. Samples to be taken for **three years of the facility's permit coverage (second, third, and fourth year of coverage)**, regardless of whether the facility is discharging.
3. TN is calculated as the sum of Nitrate + Nitrite as N and TKN concentrations.

Upstream monitoring must be conducted according to the above schedule regardless of whether or not the facility discharges during that reporting period. The reporting limit that is sufficient for upstream monitoring is equivalent to the RRV as listed in the most recent Circular DEQ-7 unless otherwise provided in the confirmation letter.

### III. SPECIAL CONDITIONS/COMPLIANCE SCHEDULE

#### A. Compliance Schedule

##### 1. *E. coli* Bacteria

By no later than **January 1, 2017**, each facility shall comply with the *E. coli* bacteria effluent limits or have applied for coverage under an individual permit.

Until the final compliance date, each facility must submit an annual report summarizing their progress towards meeting the effluent limits to DEQ. The annual report must be post-marked no later than January 28th of each year. The report must include actions taken in the previous year and planned actions for the upcoming year, including a review of the facility's current *E. coli* bacteria effluent concentrations; identification of potential options; and selection, design, and implementation of the selected option.

#### B. Special Conditions

1. By no later than **January 1, 2017**, each facility shall begin monitoring to demonstrate compliance with the % removal monitoring requirements (both BOD<sub>5</sub> and TSS) or have applied for coverage under an individual permit.

Until the final date, each facility must submit an annual report summarizing their progress towards meeting this requirement to DEQ. The annual report must be post-marked no later than January 28th of each year. The report must include actions taken in the previous year and planned actions for the upcoming year for each parameter, including any influent monitoring improvements; evaluation of percent removal capabilities; identification of potential options; and selection, design, and implementation of the selected option.

2. By no later than **January 1, 2017**, all facilities must ensure that the facility is capable of effluent flow monitoring such that the measured flow is representative of the nature and volume of the actual flow. DEQ recommends the use of a weir, flume, and/or meter with an effluent recording device, or totalizer. Each facility must identify, in writing, their method(s) used for monitoring effluent flow, including any operating and maintenance procedures and calibration.

Until the final date, each facility must submit an annual report summarizing their progress. The annual report must be post-marked no later than January 28th of each year. The report must include actions taken in the previous year and planned actions for the upcoming year, including identification of potential effluent monitoring options, design, and installation of the selected option.

#### C. Lagoon Operation and Maintenance (O&M) Requirements

A 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 the permit. A lagoon treatment

system should have an O&M manual developed at the time of construction and/or upgrade. Each permitted facility is required to:

1. Maintain an up-to-date O&M manual for the domestic sewage treatment lagoon system;
2. Follow the procedures in the O&M manual;
3. Conduct inspections at least monthly to ensure the O&M procedures are being followed and are working; and
4. Maintain records of the routine inspections and any follow-up. Records from the routine inspections must be maintained for at least three (3) years, and available for an inspector upon request. At a minimum, the records shall include:
  - a. Date and time of inspection;
  - b. Name of the inspector(s);
  - c. Weather conditions during inspection;
  - d. Visual observation of lagoon conditions, including wastewater observations (water level, odor, and visible appearance) and dike condition (signs of leakage, erosion, rodents burrowing, and/or vegetation growth);
  - e. Discharge flow rate, if occurring;
  - f. Identification of O&M problems;
  - g. Recommendations, as appropriate, to rectify identified O&M problems;
  - h. A brief description of any actions taken with regards to identified problems; and
  - i. Other information, as appropriate (e.g., effluent sample and measurement location).

D. Seasonal Land Application of Treated Effluent

O&M procedures for an irrigation system is included as part of the plan and specification approval by DEQ, and shall be incorporated into the treatment system's final O&M manual.

*Land Application – Planning Requirements* [Authority: ARM 17.30.1344(2)(b)]

Each facility shall develop and implement a Nutrient Management Plan (NMP) for land application systems, to prevent or minimize the generation and potential for release of pollutants to state waters. The plan shall achieve the objective to manage the quantity and quality of the land-applied effluent to optimize nutrient uptake and eliminate the risk of runoff to surface water or ground water infiltration/percolation.

Each facility shall maintain land application records for three (3) years and make them available for inspection by department personnel upon request.

E. Inflow/Infiltration

All facilities with design average discharge rates at or above 0.1 mgd are required to evaluate the influences from infiltration/inflow (I/I) to the treatment works by January 1, 2017. The evaluation shall provide an estimate of the amount and sources of I/I into the collection system and a summary of work accomplished and additional work planned.

A summary of the facility I/I review must be submitted to DEQ by no later than January 28<sup>th</sup> 2017.

F. Sewage Sludge

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

The permittee shall not dispose of sewage sludge such that any portion thereof enters any state water, including ground water. The permittee shall notify DEQ in writing 45 days prior to any change in sludge management at the facility.

G. Pretreatment

1. The Permittee shall not allow any user to introduce into a POTW any pollutants which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Part III.G.2 of this permit apply to all non-domestic sources introducing pollutants into a POTW whether or not the source is subject to other national pretreatment standards or any national, state or local pretreatment requirements.
2. In addition, the following pollutants may not be introduced into a POTW:
  - a. Pollutants which create a fire or explosion hazard in the POTW, including waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
  - d. Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

- e. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless DEQ, upon request of the POTW, approves alternative temperature limits;
  - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
3. Publicly-Owned Treatment Works. All POTWs must provide adequate notice to DEQ of the following:
- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to federal effluent guidelines and standards [40 CFR Subchapter N] if it were directly discharging those pollutants; and
  - b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  - c. For the purposes of this paragraph, adequate notice shall include information on:
    - 1) the quality and quantity of effluent introduced into the POTW, and
    - 2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

#### IV. STANDARD CONDITIONS

The permittee shall meet the following standard conditions of MPDES permits.

A. Duty to Comply

The permittee shall 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 comply with effluent standards or prohibitions established under ARM 17.30.1206 for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

The Montana Water Quality Act at MCA 75-5-631 provides that 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 75-5-632 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 75-5-611(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

B. 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.

C. 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.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that 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) that 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 that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. 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.

G. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

H. Duty to Provide Information

The permittee shall furnish to DEQ, within a reasonable time, any information that 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.

I. Inspection and Entry

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:

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

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

J. Monitoring and Records—Representative Sampling

Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

K. Monitoring and Records—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.

L. Monitoring and Records—Records Contents

Records of monitoring information must include:

- the date, exact place, and time of sampling or measurements;
- the individual(s) who performed the sampling or measurements;
- the date(s) analyses were performed;
- the individual(s) who performed the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

M. Monitoring and Records—Test Procedures

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.

N. Monitoring and Records—Falsification and Tampering

The Montana Water Quality Act at MCA 75-5-633 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.

O. Signatory Requirement

All applications, reports or information submitted to DEQ shall be signed and certified. (See ARM 17.30.1323.) In accordance with ARM 17.30.1323, all permit applications must be signed as follows:

- *For a corporation:* By a responsible corporate officer, which means
  - 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
  - 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.
- *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively.
- *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:
  - The chief executive officer of the agency; or
  - A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

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

- The authorization is made in writing by a person described above;
- 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); and
- The written authorization is submitted to DEQ.

**Changes to authorization.** If an authorization 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 above must be submitted to DEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

**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.”*

P. Reporting Requirements—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).

Q. Reporting Requirements—Anticipated Noncompliance

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

R. Reporting Requirements—Transfers

This permit is not transferable to any person except after notice to DEQ. DEQ may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Montana Water Quality Act. (See ARM 17.30.1360; in some cases, modification or revocation and reissuance is mandatory.)

In accordance with ARM 17.30.1360(2), this permit may be automatically transferred to a new permittee if:

- The current permittee notifies DEQ at least 30 days in advance of the proposed transfer date;
- 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;
- DEQ does not notify the existing permittee and the proposed new permittee of an intent to revoke or modify and reissue the permit. A modification may also be a minor modification under ARM 17.30.1362. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned above.

S. Reporting Requirements—Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- Monitoring results must be reported on a Discharge Monitoring Report (DMR) form.
- 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 Discharge Monitoring Report.
- Calculations for all limitations that require averaging of measurements must use an arithmetic mean unless otherwise specified by DEQ in the permit.

T. Reporting Requirements—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.

U. Reporting Requirements—Twenty-four Hour Reporting

The permittee shall report any noncompliance that might endanger health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. 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 description of the noncompliance and its cause;
- The period of noncompliance, including exact dates and times;
- The estimated time noncompliance is expected to continue if it has not been corrected; and
- Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following are included as information that must be reported within 24 hours under this provision:

- Any unanticipated bypass that exceeds any effluent limitation in the permit of this permit (see ARM 17.30.1342(7) and “Bypass” below);
- Any upset that exceeds any effluent limitation in the permit (see “Upset” below) and;
- Violation of a maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit (see ARM 17.30.1344 and 40 CFR 122.44(g)).

**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) 324-4777.

**Written notification requirements.** 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. Written reports shall be submitted to the following address:

Montana Department of Environmental Quality  
Water Protection Bureau  
PO Box 200901  
Helena, Montana 59620-0901

V. Reporting Requirements—Other Noncompliance

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time monitoring reports are submitted. The reports shall contain the information listed above for written submissions under “Reporting Requirements—Twenty-four Hour Reporting.”

W. Reporting Requirements—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.

X. Bypass

**Definitions.** ARM 17.30.1304(11) defines *bypass* as the intentional diversion of waste streams from any portion of a treatment facility. ARM 17.30.1304(53) defines *severe property damage* as substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent damage to natural resources that 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.

**Bypass Not Exceeding Limitations.** The permittee may allow any bypass to occur that 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 “Notice” and “Prohibition of Bypass” below.

**Notice.** *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. *Unanticipated Bypass.* The permittee shall submit notice of an unanticipated bypass as required under “Reporting Requirements—Twenty-four Hour Reporting” above.

**Prohibition of Bypass.** Bypass is prohibited and DEQ may take enforcement action against a permittee for a bypass, unless:

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

- 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 that occurred during normal periods of equipment downtime or preventive maintenance; and
- The permittee submitted notices as required under “Notice” above.

DEQ may approve an anticipated bypass, after considering its adverse effects, if DEQ determines that it will meet these three conditions.

Y. Upset

**Definition.** ARM 17.30.1304(63) defines *upset* as 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.

**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 outlined below under “Conditions Necessary for Demonstration of an Upset” below 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.

**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:

- An upset occurred and that the permittee can identify the cause(s) of the upset;
- The permitted facility was at the time being properly operated;
- The permittee submitted notice of the upset as required under “Reporting Requirements—Twenty-four Hour Reporting” above and
- The permittee complied with any remedial measures required under “Duty to Mitigate” above.

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

Z. Fees

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, DEQ may:

- Impose additional fee assessment(s) computed at the rates established under 75-5-516(5)(a), MCA and ARM 17.30.201(9), or
- 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 section. Suspensions are limited to one year, after which the permit will be terminated.

## V. DEFINITIONS and ABBREVIATIONS

1. **“Act”** means the Montana Water Quality Act, Title 75, chapter 5, MCA.
2. **“Acute Toxicity”** occurs when, during an acute toxicity test, 50 percent mortality is observed for any tested species at any effluent concentration (i.e.,  $LC_{50} \leq 100\%$  effluent).
3. **“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.
4. **“Average Monthly Limitation” (AML)** 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.
5. **“Average Weekly Limitation” (AWL)** 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.
6. **“BOD<sub>5</sub>”** means the five-day measure of pollutant parameter biochemical oxygen demand.
7. **“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility.
8. **“Chronic Toxicity”** occurs when, during a chronic toxicity test, the 25% inhibition concentration (IC<sub>25</sub>) for any tested species is less than or equal to the percent effluent represented by the effluent concentration in the receiving water after accounting for any allowable mixing zone.
9. **“CFR”** means the Code of Federal Regulations
10. **“cfu/100 mL”** is a measurement of pathogens, and means colony-forming units per 100 milliliters.
11. **“Composite sample”** means a sample composed of four or more discrete aliquots over a 24-hour period. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. In addition, DEQ may waive composite sampling for any outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that the minimum of four grab samples will be a representative sample of the effluent being discharged.
12. **“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.
13. **“department”** means the Montana Department of Environmental Quality (DEQ, or department). Established by 2-15-3501, MCA.

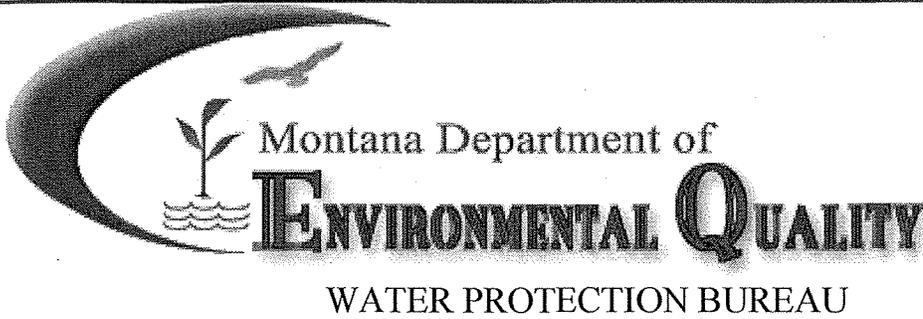
14. "**Director**" means the Director of the Montana Department of Environmental Quality.
15. "**Discharge**" means the injection, deposit, dumping, spilling, leaking, placing, or failing to remove any pollutant so that it or any constituent thereof may enter into state waters, including ground water.
16. "**EPA**" means the United States Environmental Protection Agency.
17. "**Federal Clean Water Act**" means the federal legislation at 33 USC 1251, *et seq.*
18. "**Geometric mean**" means the value obtained by taking the Nth root of the product of the measured values.
19. "**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.
20. "**Indirect discharge**" means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Clean Water Act.
21. "**Industrial User**" means a source of Indirect Discharge.
22. "**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.
23. "**Instantaneous Measurement**", for monitoring requirements, means a single reading, observation, or measurement.
24. "**Maximum Daily Limit**" (MDL) 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.
25. "**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 otherwise specified in the permit.
26. "**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.
27. "**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.
28. "**Outfall**" means the place where a point source discharges effluent into the receiving water. For each outfall, there typically is at least one monitoring location. Although the monitoring location might or might not be at the actual point of discharge, samples taken at the monitoring location should be representative of the discharge.
29. "**Percent removal**" means a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the average values

of the raw wastewater influent pollutant concentrations to the facility and the average values of the effluent pollutant concentrations for a given time period.

30. **"Publicly-owned treatment works"** (POTW) means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature that is owned by a state or municipality. This definition includes: sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment; and a city, town, county, district, or other political subdivision created by or under state law that has jurisdiction over indirect discharges to and the discharges from a treatment works.
31. **"Required Reporting Values"** (RRVs) means the values listed as reporting values in department Circular DEQ-7. RRVs are the required minimum levels (see definition above) that must be achieved in reporting all monitoring results unless otherwise specified in this permit.
32. **"Regional Administrator"** means the administrator of Region VIII of EPA, which has jurisdiction over federal water pollution control activities in the state of Montana.
33. **"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.
34. **"Sewage sludge"** means any solid, semi-solid or liquid residue generated during the treatment of domestic sewage and/or a combination of domestic sewage and industrial waste of a liquid nature in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the incineration of sewage sludge or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.
35. **"Significant biological treatment"** means the use of an aerobic or anaerobic biological treatment process in a treatment works to consistently achieve a monthly average of at least 65 percent removal of BOD<sub>5</sub>.
36. **"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.
37. **"TSS"** means the pollutant parameter total suspended solids.
38. **"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 A**

**Notice of Intent (NOI) Form for  
Domestic Sewage Treatment Lagoons**



Agency Use
NOI No.:
Date Rec'd
Amount Rec'd
Check No.
Rec'd By

FORM  
NOI

**Notice of Intent (NOI)**  
**Domestic Sewage Treatment Lagoons**  
**MTG580000**

The NOI form is to be completed by the owner or operator a domestic sewage treatment lagoon that is eligible for coverage under the Montana Department of Environmental Quality's *Domestic Sewage Treatment Lagoons General Permit*. **Please read the attached instructions before completing this form.** You must print or type legibly; forms that are not legible, not complete, or unsigned will be returned. You must maintain a copy of the completed NOI form for your records.

**Section A - NOI Status (check one)**

- New No prior NOI submitted.
- Request simultaneous termination of Individual Permit. Permit Number: M T 0 0 \_ \_ \_ \_ \_
- Renewal Permit Number: M T G 5 8 \_ \_ \_ \_ \_
- Modification Permit Number: M T G 5 8 \_ \_ \_ \_ \_
- Resubmitted Permit Number M T G 5 8 \_ \_ \_ \_ \_

**Section B - Facility Information (See instruction sheet):**

Facility Name \_\_\_\_\_

Facility Location \_\_\_\_\_

City, State, Zip \_\_\_\_\_

County \_\_\_\_\_

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ ; \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4

Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

Is the facility located on Indian Lands?  Yes  No

Does the treatment works discharge to a receiving water that is either in Indian Country or that is upstream from (and eventually flows through) Indian Country?  Yes  No



**Section E - Domestic Sewage Treatment Lagoon Information**

Agency Use

NOI No.:

**1. Collection System Information.** Provide information on municipalities and areas served by the facility.

Type of collection system (Separate vs. Combined Sanitary Sewer) and percent contribution (by miles) of each:

- Separate sanitary sewer \_\_\_\_\_ % of total contribution
- Combined storm and sanitary sewer \_\_\_\_\_ % of total contribution

Collection System Name	Population Served	Type of Collection System	Ownership

Total population served: \_\_\_\_\_ Year of data: \_\_\_\_\_

**2. Lagoon Flow Data**

a. Current Average Daily Design Flow \_\_\_\_\_ million gallons per day (mgd)

b. Historic Average Daily Design Flow (c. 1993): \_\_\_\_\_ mgd. Specify year of data: \_\_\_\_\_

Flow Monitoring Data Last three rolling years (specify dates)	Two years ago to	One year ago to	This year to
1. Annual average daily flow rate (mgd)			
2. Maximum daily flow rate (mgd)			
3. Total number of monitoring events			

**3. Discharge Method**

a. Design method of lagoon discharge to surface waters (*check the one that applies*):

- Continuous discharge.
- Batch discharge (includes periodic, controlled, and intermittent).
- Non-discharging.

If designed to be **batch or non-discharging**, provide the following information:

1. Number of discrete batch discharges per year: \_\_\_\_\_
2. Average duration of each discharge (days): \_\_\_\_\_
3. Average flow rate for each discharge (mgd) \_\_\_\_\_

b. Additional wastewater disposal methods (*check each that apply*):

- Surface impoundment. If applicable, date plan & specification approved: \_\_\_\_\_  
Location: \_\_\_\_\_ Annual ave. daily volume (mgd) \_\_\_\_\_ Estim days/year: \_\_\_\_\_
- Land application. If applicable, date plan & specification approved: \_\_\_\_\_  
Location: \_\_\_\_\_ Annual ave. daily volume (mgd) \_\_\_\_\_ Estim days/year: \_\_\_\_\_
- Transport to another treatment works  
Transporter: \_\_\_\_\_ Annual ave. daily volume (mgd) \_\_\_\_\_ Estim days/year: \_\_\_\_\_
- Underground percolation/well injection. If applicable, date plan & specification approved: \_\_\_\_\_  
Location: \_\_\_\_\_ Annual ave. daily volume (mgd) \_\_\_\_\_ Estim days/year: \_\_\_\_\_

#### 4. Description of Treatment

##### a. Facultative vs. Aerated Lagoons (check the one that applies)

Facultative system

Number of facultative cells \_\_\_\_\_

Designed retention time for system: \_\_\_\_\_ days

Actual retention time for system: \_\_\_\_\_ days

Aerated or partially mixed system

Number of aerated cells \_\_\_\_\_

Number of partially mixed cells \_\_\_\_\_

Number of facultative or acquiescent cells \_\_\_\_\_

Year Installed: \_\_\_\_\_ If applicable, date plan & specification approved: \_\_\_\_\_

Year Last Modified: \_\_\_\_\_ If applicable, date plan & specification approved: \_\_\_\_\_

##### b. Disinfection (check the one that applies)

None

Ultraviolet (UV) disinfection

Chlorination. If chlorination, is dechlorination employed prior to discharge? \_\_\_\_\_

Other: \_\_\_\_\_

**5. Effluent Monitoring Information:** All data must be based on 40 CFR 136 methods and be no older than 4.5 years. If you have no data that meets this criterion for a given parameter, note "NA" on that line.

Pollutant	Maximum	Long Term Average	Units	No. of Analyses
1. Total Suspended Solids (TSS)				
2. Biochemical Oxygen Demand (BOD <sub>5</sub> )				
Carbonaceous BOD <sub>5</sub> (CBOD <sub>5</sub> )* *optional – only if permittee requests <sup>(1)</sup>				
3. pH	Max:	Min:	s.u.	
4. Temperature (winter)				
5. Temperature (summer)				
6. Dissolved Oxygen				
7. Oil and Grease				
8. E. Coli bacteria			cfu/100 mL	
9. Total Residual Chlorine (TRC)				
10. Ammonia				
11. Total Kjeldahl Nitrogen (TKN)				
12. Nitrate+ Nitrite (NO <sub>3</sub> +NO <sub>2</sub> )				
13. Total Nitrogen (TN)				
14. Total Phosphorus (TP)				
15. Total Dissolved Solids (TDS)				
16. Other:				

**Footnote:** (1) As allowed under 40 CFR 133.102(a)(4), DEQ may substitute CBOD<sub>5</sub> for BOD<sub>5</sub> upon request of applicant. Applicant must provide justification including lab analysis as part of the NOI submittal.

**6. Demonstration of eligibility for less stringent TSS effluent limits (40 CFR 133) (choose one):**

- (a) **National Secondary Standards (NSS)** – default, no demonstration.
- (b) **Treatment Equivalent to Secondary (TES)** – 40 CFR 133.101(g) and 40 CFR 133.105, includes:
- (i) \_\_\_\_\_ mg/L TSS effluent quality 95<sup>th</sup> percentile (> 30 to 45 mg/L). Provide TSS data for past two years.
  - (ii) Operation & Maintenance (*complete narrative, below*)
- (c) **Alternate State Requirements (ASR)** – 40 CFR 133.103(c) and 105(d), includes:
- (i) \_\_\_\_\_ mg/L TSS effluent quality 95<sup>th</sup> percentile (>45 mg/L TSS). Provide TSS data for past two years.
  - (ii) Operation & Maintenance (*complete narrative, below*)

*Provide justification (attach sheet(s) as necessary) for meeting (b) or (c), above. Examples include following O&M Manuals, SOPs, active involvement in managing lagoons.*

**7. Influent/Effluent Monitoring**

a. Influent monitoring location:

- i. describe monitoring location (*note if none*) (e.g., manhole, lift station): \_\_\_\_\_
- ii. latitude/longitude: \_\_\_\_\_ / \_\_\_\_\_
- iii. indicate if above location for:  influent flow monitoring,  influent sampling,  both
- iv. if there is a second influent monitoring location, provide the above information for it, below:  
\_\_\_\_\_

b. Effluent monitoring location:

- i. describe monitoring location (*note if none*) (e.g., effluent control device, outfall): \_\_\_\_\_
- ii. latitude/longitude: \_\_\_\_\_ / \_\_\_\_\_
- iii. indicate if above location for:  effluent flow monitoring,  effluent sampling,  both
- iv. if there is a second effluent monitoring location, provide the above information for it, below:  
\_\_\_\_\_

**8. Receiving Water.** Provide the following information for the waterbody that receives the treated effluent (“receiving waterbody”), even if it is dry part or most of the year.

- a. Name of initial receiving waterbody (*or “unnamed tributary to...” if no name*): \_\_\_\_\_
- b. Initial receiving waterbody is a tributary to (name of larger receiving water): \_\_\_\_\_

**Section F - CERTIFICATION FOR ALL OWNER/OPERATORS**

**Applicant Information:** This form must be completed, signed, and certified as follows:

- For a corporation, by a principal officer of at least the level of vice president;
- For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or
- For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

**All Applicants Must Complete 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 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. [75-5-633, MCA]

**A. Name (Type or Print)**

**B. Title (Type or Print)**

**C. Phone No.**

**D. Signature**

**E. Date Signed**

**Section G - New Sources**

This section must be completed by any proposed new domestic sewage treatment lagoon seeking coverage under this general permit. *Note that this can only apply to dischargers to ephemeral waterbodies.*

**A. NRIS.** Describe the potential impacts of the proposed activity on unique ecological resources, species of special concern, including vegetation, wildlife, fish or aquatic resources, or habitat. Attach analysis from Montana Natural Heritage Program and any applicable maps or analysis from the Natural Resource Information System (NRIS).

**B. SHPO.** Describe the potential impact of the proposed activity on any historical, cultural, or archeological resources. Attach analysis from the Montana State Historic Preservation Office (SHPO).

## INSTRUCTIONS FOR

### Form NOI – Notice of Intent for Domestic Sewage Treatment Lagoon General Permit (MTG580000)

The Domestic Sewage Treatment Lagoon Notice of Intent Form (NOI form) is to be completed by the owner/operator of a domestic sewage treatment lagoon that is eligible for coverage under DEQ's *Domestic Sewage Treatment Lagoon General Permit (General Permit)*. General permit documents and related forms are available on the DEQ website at: <http://www.deq.mt.gov> or from DEQ by calling (406) 444-3080.

You must provide all of the information requested in the NOI form to be complete, including submittal of specified fees and completed certification by the appropriate signatory. Please type or print legibly; applications that are not legible or are not complete will be returned. Responses must be self-explanatory and must not refer exclusively to attached maps, plans, or documents. Mail the completed NOI Form and fee to:

Montana Department of Environmental Quality  
Water Protection Bureau  
PO Box 200901  
Helena, MT 59620-0901

DEQ will issue a confirmation letter that contains the specific effluent limits and monitoring schedule for your facility, based on the data supplied in the NOI form. You must maintain a copy of the General Permit, completed NOI Form, and confirmation letter for your records.

\*\*\*\*\*

#### SPECIFIC ITEM INSTRUCTIONS

##### Section A – NOI Status

###### New

Check new if this is the first NOI submission for this facility. If you are requesting coverage under the General Permit to supersede an individual MPDES permit, check that you wish to also terminate coverage under the individual permit.

###### Renewal

For existing permit authorizations. Upon renewal of this General Permit (on a 5-year basis), any owner/operator that wishes to continue coverage under the renewed General Permit must submit a NOI for renewal. Include the permit number assigned to your facility.

###### Resubmitted

If the DEQ returned your NOI to you as deficient or incomplete, you must check Resubmitted. If resubmitted multiple times and you were sent an invoice, include the resubmitted application fee. Include the permit number that the DEQ assigned.

###### Modification

If there is a change in the facility or site information, check Modification. Include the permit number.

A complete NOI includes payment of the appropriate fee, unless specified otherwise by the DEQ. Fees are found in the Administrative Rules of Montana (ARM) 17.30.201.

***Do not use this form to transfer permit coverage to a new owner or operator. For a permit transfer you must use Form PTN.***

### Section B – Facility Information

Give the facility's official or legal name. Do not use a colloquial name. The facility name means the building, structure (manufacturing, commercial or residential), process, source, or physical site, from which pollutants or wastes are, or will be, collected, generated, stored, treated or discharged (disposal system). The facility may be a publicly- or privately-owned property.

Give the address or location of this facility or activity. The site location must describe the physical location. It may be a physical mailing address, a description of how the site may be accessed, or the Township/Range/Section (T/R/S). P.O. boxes are not acceptable.

Provide the most accurate geographic information; latitude and longitude must be accurate to the nearest 15 seconds. *See ARM 17.30.1304, ARM 17.30.1001(13), or 75-5-103(24), MCA.* Geographic information may be obtained by GPS or at <http://nris.state.mt.us>, USGS topographic map, and/or "Topofinder" from <http://nris.mt.gov/interactive.html>.

Lastly, indicate whether the facility is located on Indian lands or if the discharge may reach any receiving waters within Indian country.

### Section C – Applicant (Owner/Operator) Information

Give the name, as it is legally referred to, of the person, business, public organization, or other entity that owns, operates, controls or supervises the site(s) described in Section B of this NOI form. **THE OWNER/OPERATOR IS NOT THE CERTIFIED OPERATOR. The confirmation letter will be issued to the entity identified as owner/operator in this section.** The owner or operator assumes all liability for discharges from the site and compliance with the terms and conditions of the General Permit. If the owner or operator is other than an individual or government entity, it must be registered with the Montana Secretary of State's office.

Complete the applicant contact person information as requested. Give the name, title, work phone number, and email address (optional) of a person who is thoroughly familiar with the operation of the facility or site activity or project and with the facts reported in this form, and who can be contacted by the DEQ for additional information. **The contact person is the only person authorized to sign reports and correspondence for the owner/operator other than the signatory in Section F.**

**Existing or Pending Permits, Certifications, or Approvals** – Check the box(s) that apply to any existing or pending permits held by this facility or activity. Provide the permit or certification number.

**Standard Industrial Classification (SIC) Codes** - List the primary and, if applicable, secondary four-digit Standard Industrial Classification (SIC) Code(s) that best describe the business of the owner/operator. Also, provide a brief description in the space provided. At least one SIC code must be provided. The most common SIC Codes for domestic sewage treatment lagoons is:

4951 Sewerage Systems

A complete list of SIC Codes (and conversions from the newer North American Industry Classification System (NAICS)) can be obtained at <http://www.census.gov/epcd/www/naics.html>, in paper form from the document entitled "Standard Industrial Classification Manual", Office Management and Budget, 1987, or at <http://www.osha.gov/pls/imis/sicsearch.html>.

**Map** – Attach a topographic map of the area extending to at least one mile beyond the property boundaries. The map must be easily legible. The map, or maps, must include all of the elements described on the NOI form. NOI forms submitted with incomplete or illegible maps will be considered incomplete and returned with instructions to provide an appropriate map(s).

### **Section D– Outfall Location(s)**

Provide a list of all surface water discharge locations (outfalls) and their latitude, longitude, and receiving water name. For renewals, use the outfall number(s) specified in the current authorization. For new projects list all outfalls starting with 001 and continuing 002, 003, etc. If the initial receiving water is unnamed, provide additional details including the first named receiving waterbody (e.g. “unnamed ditch, tributary to Beaver Creek”).

### **Section E - Domestic Sewage Treatment Lagoon Information**

#### **1. Collection System Information.**

Identify the extent that the entire collection system is designed as a separate sanitary sewer vs. the extent that the system is a combined storm water/sanitary sewer system. Provide information on municipalities and areas served by the facility, and the most recent data on the number of people served by the treatment system.

#### **2. Lagoon Flow Data.**

The average daily design flow is the engineering design assumption of influent that was used in sizing the lagoon system. Provide the current average daily design flow, in million gallons per day (mgd) based on the most recent facility design. Provide a historic average daily flow rate using engineering design data as close to 1993 as you have available. Indicate the year of the data.

From your monitoring records, provide the most recent three rolling years of effluent flow. For instance, if your NOI was submitted in October, you would provide September to September data. Include both the average daily discharge and the maximum daily discharge for each period. Note the number of flow observations made for each year (for example, if you monitor flow weekly you would record 52 samples).

Conversions:

$$1 \text{ cubic foot per second (cfs)} \times 0.646 = 1 \text{ mgd}$$

$$1 \text{ gallon per minute (gpm)} \times 0.00144 = 1 \text{ mgd}$$

#### **3. Discharge Method.**

(a) Note if your lagoon system is designed to discharge on a continuous basis (270 days or more per year); on a batch basis (periodic, controlled or intermittent); or is designed to be non-discharging. (If the system is designed to be non-discharging and does not actually discharge it is optional for the facility to obtain MPDES coverage). Unless the facility is a continuous discharger, identify the number of batches per year, the average duration of each batch, and the average flow rate in mgd.

(b) In addition to the surface water discharge method, indicate whether effluent is discharged/used by other methods, including discharged to a surface impoundment for evaporation; land applied for irrigation; transported to another treatment works by pipeline, truck, or other methods; or discharged to groundwater or well injection. Except for transporting to another treatment works, all of these alternate disposal methods have required engineering review and approval if they are new or modified.

#### **4. Description of Treatment**

Indicate whether the current design of the lagoon system, as approved in the latest plan & specification review (if applicable), is facultative or aerated. Complete the requested information for the relevant design type. For all facilities, indicate what year the lagoons were installed and the date of the engineering approval, if applicable. In addition, indicate the latest date the lagoon system as modified and the related engineering approval date, if applicable.

Indicate what type of effluent disinfection, if any, is employed prior to discharge.

## 5. Effluent Monitoring Information:

Summarize all monitoring results for each of the pollutants listed in this section taken by the facility within the past 4.5 years. Data reported must be representative of current operation. Approved methods as specified in 40 CFR 136 must be used for all analyses. Grab/instantaneous samples must be taken for pH, temperature, dissolved oxygen, oil and grease, *E.Coli* bacteria, and Total Residual Chlorine. For all other pollutants, 24-hour composite samples must be used. Composite, grab, and instantaneous samples are defined as follows:

- a. **“Composite sample”** means a sample composed of four or more discrete aliquots over a 24-hour period. However, a minimum of one grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than 24 hours. In addition, the department may waive composite sampling for any outfall for which the applicant demonstrates that the use of an automatic sampler is infeasible and that the minimum of four grab samples will be a representative sample of the effluent being discharged.
- b. **“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.
- c. **“Instantaneous Measurement”**, for monitoring requirements, means a single reading, observation, or measurement.

For the maximum column, provide the highest single result for each parameter. For the long-term average column, provide the average of all representative results. Note that pH is an exception: report the lowest single result as requested.

Specify whether your facility requests to have CBOD<sub>5</sub> replace BOD<sub>5</sub> as the technology-based effluent limit for the term of the General Permit renewal. If so, provide justification, including a comparison of effluent CBOD<sub>5</sub> data to BOD<sub>5</sub> data for your facility.

## 6. Demonstration of eligibility for less stringent TSS effluent limits

The minimum treatment requirements for secondary treatment or equivalent is contained in 40 CFR 133[ARM 17.30.1203]. There are three levels of treatment contained in 40 CFR 133: National Secondary Standards (NSS), Treatment Equivalent-to-Secondary (TES), and Alternative State Requirements (ASR). All applicable facilities covered under this General Permit, unless they demonstrate their eligibility to meet TES or ASR, will be required to meet NSS effluent limits under federal requirements contained in 40 CFR 133.102.

Applicants must review the most recent two years of effluent data from their facility and calculate the 95<sup>th</sup> percentile of the TSS concentration. This is easily performed by the following function in Excel: “=PERCENTILE(<cell array>, 0.95).” Review which level the facility’s 95<sup>th</sup> percentile TSS effluent quality meets:

- NSS if  $\leq 30$  mg/L
- TES if  $> 30$  to 45 mg/L
- ASR if  $> 45$  mg/L

Indicate on the NOI form which of the three levels is applicable, and include your background data and calculations as part of the submittal.

In addition, in order to be granted the less stringent treatment requirements, you must certify that the facility has proper operation & maintenance. Include a written justification in the space provided, or attach additional sheet(s) as necessary.

## **7. Influent/Effluent Monitoring**

Provide the actual physical location(s) for any influent monitoring, including taking samples (grab, instantaneous, or composite) and measuring flow. Write "NA" if there is currently no accessible influent sampling location.

Provide the actual physical location for any effluent monitoring, including taking samples (grab, instantaneous, or composite) and/or measuring flow. Write "NA" if there is currently no accessible effluent sampling location.

## **8. Receiving Water.**

Provide the name of the initial receiving water, which is the first location after the treated effluent leaves the control of the facility (typically the end of the pipe). This should match the name in Section D. If the facility has more than one receiving water, indicate this on the form and attach the additional information.

Provide the name of the first downstream waterbody that is named.

## **Section F - Certification**

The NOI form certification must be completed by a responsible official with authority as a signatory for the entity identified as the "owner/operator" in Section C. The requirements for the NOI signatory are described in ARM 17.30.1323(1).

For a POTW this is typically the Mayor, Town Manager, or Sewer Board President.

## **Section G – New Sources**

This section must be completed if your facility does not yet exist (never permitted or constructed). Only dischargers to ephemeral waterbodies are eligible for coverage under this General Permit.

A. Contact the Montana Natural Heritage Program (MNHP), <http://mtnhp.org/>, and request a project review for the proposed sand and gravel operation. Attach the MNHP analysis to the NOI.

B. Contact the Montana State Historic Preservation Office (SHPO), <http://mhs.mt.gov/shpo/>, and request a project review for the proposed sand and gravel operation. Attach the SHPO analysis to the NOI.