

**MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**

**GENERAL PERMIT**

**For**

**DOMESTIC SEWAGE TREATMENT LAGOONS – CONTINUOUS DISCHARGERS**

**Permit No.: MTG581000**

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 an authorization letter for this General Permit for Domestic Sewage Treatment Lagoons – Continuous Dischargers 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 authorization 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, 2018**

This permit and the authorization to discharge shall expire at midnight, **December 31, 2022**

FOR THE MONTANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY



Jon Kenning, Chief  
Water Protection Bureau  
Water Quality Division

Issuance Date: October 10, 2017

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## I. COVERAGE UNDER THIS GENERAL PERMIT

### A. Coverage Area

This General Permit for continuous domestic sewage treatment lagoons applies to all areas of the State of Montana, except for within the boundaries of Indian Lands, National Parks, and excluded waterbodies listed in Part I.C.

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

To be eligible for authorization under this 2017-issued GP, the domestic sewage treatment lagoon must be:

- Classified as a minor with no pretreatment program and no categorical industrial users (CIU) or significant industrial users (SIU), and
- Designed to treat an average daily flow less than 1.0 million gallons per day.

### C. Sources Ineligible for 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; or
  - prohibition of any discharges to which the EPA 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.
- 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, 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 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.
- c. The facility is required to have a pretreatment program (see 40 CFR 403.3), or accepts discharge from users that are CIU or SIU.

- d. Any facility covered under an individual MPDES permit with site-specific WQBELs cannot request coverage under this GP.

D. Requirements for Continuing Authorization under this General Permit

All authorizations under the 2013-issued GP expire on December 31, 2017, along with the expiration of the GP. For coverage under the 2017-issued General Permit permittees must submit a complete renewal application package. A complete renewal application package must include:

- A complete Notice of Intent application form (NOI-581) provided by DEQ,
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable), and
- Renewal application fee of \$800 per outfall

DEQ must receive the complete application package on or before **December 31, 2017** at the following address:

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

A facility's coverage under the 2017-issued GP is effective January 1, 2018, or later, upon receiving an Authorization Letter from DEQ.

E. Requirements for New Authorizations under this General Permit

Existing facilities with coverage under an Individual MPDES permit may obtain first-time coverage under the 2017-issued GP by submitting a complete application package. The application package must include:

- A complete application form Notice of Intent (NOI-581) provided by DEQ,
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable), and
- The appropriate application fee.

A facility's coverage under the 2017-issued GP is effective January 1, 2018, or later, upon receiving an Authorization Letter from DEQ.

F. Termination of General Permit Coverage

Permittees under the 2017-issued GP may terminate coverage. The permittee must submit a Notice of Termination (NOT) form to DEQ indicating the reason why permit coverage is no longer required. The permittee remains responsible for all applicable fees including annual fees until DEQ processes and notifies the permittee that permit coverage is terminated. Failure to submit a termination request shall result in accrual of annual fees.

*Replace General Permit coverage with an Individual MPDES permit*

Permittees under the 2017-issued GP may apply for coverage under an Individual MPDES permit. A facility remains covered under the General Permit until the effective date of the Individual MPDES Permit. Authorization under the General Permit will terminate on the effective date of the Individual MPDES permit.

G. Transfer of Coverage

To transfer permit coverage under the General Permit to a different entity, the owner or operator must submit a complete Permit Transfer Notification form provided by DEQ and a \$500 permit transfer fee. The original owner or operator is responsible for all terms and conditions of the permit until DEQ notifies the new owner.

II. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

A. Effluent Limits

Each facility's effluent limits will include (1) the appropriate Technology-based Effluent Limits (TBELs) and (2) Water Quality-based Effluent Limits (WQBELs). These limits and the outfall location for each facility will be identified in an authorization letter.

1. TBELs:

Each facility will be assigned TBELs based on the appropriate Total Suspended Solids (TSS) Group (A, B, or C) and the appropriate 5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>) subgroup (1 or 2).

**Group A – Total Suspended Solids (TSS) -National Secondary Standards**

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

<b>Table 1. Technology-based Effluent Limits Group A- Total Suspended Solids – National Secondary Standards <sup>(1)</sup></b>			
Parameter	Units	Average Monthly Limit	Average Weekly Limit
<b>Choices for 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) <sup>(2)</sup></b>			
A.1. BOD <sub>5</sub> - National Secondary Standards	mg/L	30	45
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	85 <sup>(4)</sup>	NA
A.2. BOD <sub>5</sub> - Treatment Equivalent to Secondary	mg/L	45	65
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	65 <sup>(4)</sup>	NA
<b>Total Suspended Solids</b>			
Total Suspended Solids	mg/L	30	45
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	85 <sup>(4)</sup>	NA
pH <sup>(5)</sup>	s.u.	6.0-9.0 (instantaneous)	
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 if requested by the permittee as part of the renewal application process or a modification request and approved by DEQ. (3) Mass-based limits calculations shown below. (4) Percent removal calculation shown below (5) Effluent pH shall remain between 6.0 and 9.0 s.u. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.			

**Group B – Total Suspended Solids (TSS) - Treatment Equivalent to Secondary**

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

<b>Table 2. Technology-based Effluent Limits Group B- Total Suspended Solids – Treatment Equivalent to Secondary <sup>(1)</sup></b>			
Parameter	Units	Average Monthly Limit	Average Weekly Limit
<b>Choices for 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) <sup>(2)</sup></b>			
B.1. BOD <sub>5</sub> - National Secondary Standards	mg/L	30	45
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	85 <sup>(4)</sup>	NA
B.2. BOD <sub>5</sub> - Treatment Equivalent to Secondary	mg/L	45	65
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	65 <sup>(4)</sup>	NA
<b>Total Suspended Solids</b>			
Total Suspended Solids	mg/L	45	60
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	65 <sup>(4)</sup>	NA
pH <sup>(5)</sup>	s.u.	6.0-9.0 (instantaneous)	
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 if requested by the permittee as part of the renewal application process or a modification request and approved by DEQ. (3) Mass-based limits calculations shown below. (4) Percent removal calculation shown below. (5) Effluent pH shall remain between 6.0 and 9.0 s.u. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.			

**Group C – Total Suspended Solids (TSS) - Alternate State Requirements**

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

<b>Table 3. Technology-based Effluent Limits Group C - Total Suspended Solids – Alternate State Requirements <sup>(1)</sup></b>			
Parameter	Units	Average Monthly Limit	Average Weekly Limit
<b>Choices for 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) <sup>(2)</sup></b>			
C.1. BOD <sub>5</sub> - National Secondary Standards	mg/L	30	45
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	85 <sup>(4)</sup>	NA
C.2. BOD <sub>5</sub> - Treatment Equivalent to Secondary	mg/L	45	65
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	65 <sup>(4)</sup>	NA
<b>Total Suspended Solids</b>			
Total Suspended Solids	mg/L	100	135
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	NA <sup>(4)</sup>	NA
pH <sup>(5)</sup>	s.u.	6.0-9.0 (instantaneous)	
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 if requested by the permittee as part of the renewal application process or a modification request and approved by DEQ. (3) Mass-based limits calculations shown below. (4) BOD <sub>5</sub> percent removal calculation shown below. TSS mass limits are a substitute for TSS percent removal. (5) Effluent pH shall remain between 6.0 and 9.0 s.u. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.			

**Mass-based Load Limits Equation**

The following equations must be used by the facility for reporting on Discharge Monitoring Reports (DMRs):

**Monthly load (lb/day)** – *average of all loading values calculated within the month:*  
= Monthly average [actual daily discharge (mgd) x actual daily concentration (mg/L) x 8.34]

**Weekly load (lb/day)** – *highest average weekly loading value calculated in the month:*  
= Highest (average weekly [actual daily discharge (mgd) x actual daily concentration (mg/L) x 8.34])

**Percent Removal Equation**

The following equation is used for a facility to determine their percent removal for a given month (or other time period):

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

Where:

*Influent Concentration* = Corresponding monthly average influent concentration based on the analytical results of the reporting period.

*Effluent Concentration* = Corresponding monthly average effluent concentration based on the analytical results of the reporting period.

2. **WQBELs:**

Beginning on the effective date of the permit and lasting until the end of the permit term, each facility will be subject to WQBELs as shown below in **Table 4** and below:

<b>Table 4. Water Quality-based Effluent Limits for Continuous Dischargers <sup>(1)</sup></b>				
Parameter	Units	Average Monthly Limit	Average Weekly Limit	Maximum Daily Limit
Total Residual Chlorine <sup>(2)</sup>	µg/L	11	--	19
<i>E. coli</i> bacteria - summer <sup>(3)</sup>	Number of organisms/100 mL	126	252	--
<i>E. coli</i> bacteria - winter <sup>(3)</sup>	Number of organisms/100 mL	630	1,260	--
Oil & Grease	mg/L	--	--	10

Footnotes:  
(1) See Definitions section at end of permit for explanation of terms. WQBELs are in addition to TBELs.  
(2) TRC limits apply only when a facility uses chlorine to disinfect. Samples must be analyzed within 15 minutes. Analytical results less than 100 µg/L are considered in compliance with the TRC limit.  
(3) All facilities are required to comply with the summertime *E.coli* bacteria limit from April 1 through October 31 and the wintertime limit from November 1 through March 31st on an annual basis. The geometric mean must be reported if more than one sample is collected during the reporting period.

In addition to **Table 4**, all facilities must meet the following restrictions:

1. There shall be no discharge which causes a visible oil film (or to be present at concentrations at or in excess of 10 mg/L).

**B. Monitoring Requirements**

At a minimum, upon the effective date of this permit this permit, each facility must sample the parameters listed below in **Table 5 and Table 6** at the frequency and with type of measurement indicated. Each facility is required to monitor their discharge at the last point of control before the discharge enters the initial receiving water. All facilities must ensure flow monitoring is representative of the nature and volume of the discharge. DEQ requires monitoring to occur on a calendar basis (i.e., calendar week, calendar month, calendar quarter). When monitoring is required twice per month, the two samples must be taken at least one week apart during the calendar month. When monitoring is required more than once a week, each sample must be taken on a unique calendar day.

Samples must be representative of the volume and quality of the effluent. Samples shall be collected, preserved and analyzed in accordance with approved procedures listed in 40 CFR 136 unless otherwise specified by DEQ. Analytical results reported as less than detection must achieve the required reporting values (RRV) in Department Circular DEQ-7 unless a different reporting level (RL) is specified in the 2017-issued GP.

Reporting frequency shall be monthly, and each facility must submit the results on their DMR for each month by the 28<sup>th</sup> of the following month. If no discharge occurs during the reporting period, “no discharge” shall be reported on the DMR.

**Table 5** presents the influent monitoring requirements:

<b>Table 5: Influent Monitoring and Reporting Requirements <sup>(1)</sup></b>					
Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>(2)</sup>	Reporting Requirements	Reporting Level <sup>(3)</sup>
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>(4)</sup>	mg/L	Composite	1/Month	None	2
Total Suspended Solids (TSS)	mg/L	Composite	1/Month	None	10

Footnotes:

(1) See Definitions section in the permit.  
(2) The influent concentration of BOD<sub>5</sub> and TSS are used to calculate the percent removal. Monthly influent samples are required whenever there is a discharge for that month.  
(3) Reporting Level (RL) is the minimum reporting level required for the analysis.  
(4) BOD<sub>5</sub> unless facility has requested to sample for Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>).

**Table 6** presents the effluent monitoring requirements under the 2017-issued GP.

**Table 6: Effluent Monitoring and Reporting Requirements <sup>(1)</sup>**

Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>(2)</sup>	Reporting Requirements	Reporting Level <sup>(3)</sup>
Discharge Flow Rate	mgd	Instantaneous <i>or</i> Continuous	5/Week	Daily Maximum and Monthly Average	± 10% of actual
# Days with Flow	#Days	Calculated	1/Day	Monthly Count	1
5-Day Biochemical Oxygen Demand <sup>(4)</sup>	mg/L	Grab	2/Month	Weekly Maximum and Monthly Average	2
	lb/day	Calculated	1/Month		0.1
	% Removal	Calculated	1/Month	Monthly Minimum	0.1
Total Suspended Solids	mg/L	Grab	2/Month	Weekly Maximum and Monthly Average	10
	lb/day	Calculated	1/Month		0.1
	% Removal	Calculated	1/Month	Monthly Minimum	0.1
pH	s.u.	Instantaneous	1/Week	Daily Minimum and Daily Maximum	0.1
Oil & Grease	Yes / No	Visual <sup>(5)</sup>	3/Week	Monthly	--
	mg/L	Grab	<sup>(5)</sup>	Daily Maximum	1
<i>E. coli</i> Bacteria <sup>(6)</sup>	Number of organisms/ 100 mL	Grab	2/Month	Daily Maximum and Geometric Mean	1
Chlorine, Total Residual <sup>(7)</sup>	µg/L	Grab	3/Week	Daily Maximum and Monthly Average	100
Ammonia, Total as N	mg/L	Grab	1/Month	Daily Maximum and Monthly Average	0.07
Nitrate + Nitrite	mg/L	Grab	1/Month	Daily Maximum and Monthly Average	0.02
Total Kjeldahl Nitrogen	mg/L	Grab	1/Month <sup>(8)</sup>	Monthly Average	0.225
Total Nitrogen	mg/L	Grab	1/Month <sup>(8)</sup>	Monthly Average	0.25
	lb/day	Calculated			0.01
Total Phosphorus	mg/L	Grab	1/Month <sup>(8)</sup>	Monthly Average	0.003
	lb/day	Calculated			0.001

Footnotes:

- (1) See Definitions section in the permit.
- (2) **Monitoring is required only for any calendar period where there is a discharge.** Methods for calculating mass load (lb/day) and % removal are provided in this permit. Permittees are allowed to either conduct grab or composite effluent sampling: composite samples are 24-hour composite samples using a minimum of four grab samples. *DEQ will presume the permittees will comply with the monitoring requirement by taking one grab sample unless otherwise indicated in the NOI and specified in the authorization letter.*
- (3) RL = minimum reporting level. Analytical results reported as less than detection must achieve the required reporting values (RRV) in Department Circular DEQ-7 unless a different RL is specified.
- (4) BOD<sub>5</sub> unless the facility is authorized to demonstrate compliance with carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>).
- (5) If visual monitoring indicates the presence of oil & grease, a grab sample must be submitted for analysis and discharge must cease if the concentration is found to be > 10 mg/L.
- (6) *Escherichia coli* (*E. coli*) bacteria. Reporting in #organisms per 100 mL (equivalent to either colony forming units (cfu) per 100 mL or most probable number (mpn) per 100 mL). Report the geometric mean if more than one sample is collected during the reporting period.
- (7) Limits and monitoring required for facilities that use chlorine for disinfection. If no chlorine is used during the reporting period, monitoring is not required and "NODI CODE = 9" must be reported on DMRs. Analytical results less than 100 µg/L (0.1 mg/L) will be considered in compliance with TRC limits.
- (8) DEQ's authorization letter will indicate seasonal monitoring (or year-round nutrient monitoring for discharges impacting lakes or reservoirs).

### III. SPECIAL CONDITIONS

#### A. Requirement to Apply for an Individual Permit

Upon receipt of a complete Notice of Intent (NOI) renewal package, DEQ will conduct a Reasonable Potential (RP) Analysis for that facility (as discussed in Part V.E.2 of the Fact Sheet). Any facility with RP will be required to apply for an individual permit as part of their authorization letter. These facilities will continue to be covered under the 2017-issued GP as long as they submit a complete application for an individual permit by no later than December 31, 2019. DEQ will terminate the facility's authorization under the 2017-issued GP upon issuance of an individual permit.

#### B. Lagoon Operation and Maintenance Requirements

All facilities must:

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:
  - Date and time of inspection;
  - Name of the inspector(s);
  - Weather conditions during inspection;
  - 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);
  - Discharge flow rate, if occurring;
  - Identification of O&M problems;
  - Recommendations, as appropriate, to rectify identified O&M problems;
  - A brief description of any actions taken with regards to identified problems; and
  - Other information, as appropriate (e.g., effluent sample and measurement location).

#### C. Nutrient Optimization Study

Facilities that discharge to waterbodies listed as impaired for nutrients (TN, TP, or other eutrophication indicators) and facilities that have RP to exceed TN and/or TP criteria must complete a nutrient optimization study within four years of coverage under this renewed General Permit or prior to expiration of this permit, whichever is soonest.

The optimization study must include:

- Evaluation of current facility operations, including advanced operational strategies, reuse, recharge, and land application;

- Selection and planning for facility-specific nutrient minimization activities; and
- Implementation of selected nutrient minimization activities.

Facilities required to undertake the nutrient optimization study are required to submit an annual progress report by January 28<sup>th</sup> of each year, and a final summary of improvements by no later than January 14, 2022.

D. Seasonal Land Application of Treated Effluent

Any authorized facilities that employ land application are required to incorporate good operating procedures for the treated effluent land application system into the facility's final O&M manual as a Land Application Nutrient Management Plan (NMP). The NMP shall be designed to minimize the potential for release of pollutants to state waters. The plan shall detail how the facility will control 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 DEQ personnel upon request.

E. Inflow/Infiltration

Each authorized facility with an average daily design flow greater than 0.1 mgd must submit an update on the status of Infiltration/Inflow (I/I). The status update must be submitted during the last year of the permit cycle and include at a minimum:

- date of the most recent I/I assessment (which may be before this permit cycle),
- work completed since the most recent I/I assessment,
- work planned to reduce I/I over the next five years, if any, and
- best estimate of the current amount and sources of I/I into the collection system.

A summary of the facility's most recent I/I review must be completed by **July 1, 2022** and submitted to DEQ by no later than **July 14, 2022**.

F. Special Conditions Summary

**Table 7** presents a summary of the Special Conditions due dates.

<b>Table 7: Summary of Special Conditions Due Dates</b>		
<b>Action</b>	<b>Scheduled Completion Date of Action<sup>(1)</sup></b>	<b>Report Due Date<sup>(2)</sup></b>
Individual Permit Application as Required in Facility Authorization Letter.	December 31, 2019	Annual Progress Reports by January 28 <sup>th</sup> until submitted.
Operation & Maintenance Plan and records	Develop, implement, and maintain onsite	NA
Nutrient Optimization Study		Progress Reports by January 28 <sup>th</sup> annually until completed. Summary report due January 14, 2022.
Land application – Plan and records <i>if land application is used</i>	Develop and implement and maintain onsite	NA
Review I/I and provide status update	July 1, 2022	July 14, 2022
Footnotes: (1) The actions must be completed on or before the scheduled completion dates. (2) This notification must be received by DEQ on or before the scheduled due date.		

G. Sludge Requirements

The use or disposal of sewage sludge must be in conformance with 40 CFR Part 503.

H. Pretreatment Program

Facilities that operate under the EPA Pretreatment Program or accept discharge from categorical industrial users, significant industrial users, or other users that may cause pass through or interference, cannot be covered under the 2017-issued GP.

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.H.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 ( $IC_{25}$ ) 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.