

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

GENERAL PERMIT for CONSTRUCTION DEWATERING

Permit No.: MTG070000

AUTHORIZATION TO DISCHARGE UNDER THE MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated (MCA), and the federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. 1251 *et seq.*, applicants issued an authorization letter for coverage under this Construction Dewatering General Permit are permitted to discharge in accordance with permit compliance requirements and other conditions set forth herein.

A copy of this General Permit and the letter of authorization from the Department of Environmental Quality (DEQ) must be available at all times. The General Permit is not valid without a current letter of authorization for the dewatering activity.

This permit shall become effective **May 1, 2025**.

This permit and the authorization to discharge shall expire at midnight, **April 30, 2030**.

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY



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Water Protection Bureau
Water Quality Division

Issuance Date: 4/1/2025

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ATTACHMENT

- Attachment #1: 2025 Notice of Intent Form
- Attachment #2: Daily Log Example
- Attachment #3: Large Rivers Table

I. COVERAGE UNDER THIS GENERAL PERMIT

A. Coverage Area

The 2025 Construction Dewatering General Permit (2025-CDGP) applies to discharge of construction dewatering or well development effluent to state surface water in all areas in the State of Montana, except within the boundaries of Indian Reservations.

B. Sources Eligible for Coverage

The following activities are covered by the 2025-CDGP:

- *In-stream dewatering*: cofferdams, drill hole, or pylon development.
- *Surface area dewatering*: water pumped from disturbed surface areas (trenches, excavation pits, sumps, or other excavations associated with construction where sediment-laden ground water or surface water/storm water inflow must be removed); and
- *Ground water dewatering*:
 - *Water discharged from well development or well pump test* if the initial flush cannot be land applied or otherwise contained. CDGP authorization is also needed if a well development or pump test is within an area known or suspected to be contaminated.
 - *Water discharged from pumping ground water from a construction area*. A construction area is the area within the property boundaries of an active construction project. Common methods of dewatering include sumps and wells, generally described as follows:
 - *Sumps*: locally lowers ground water levels. Dewatering through sumps involves pumping ground water out of a lower collection point(s) typically gravity-fed by local ground water.
 - *Wells*: drilled wells, including bored/augured, driven, or jetted, which use vacuum or pumping to lower the ground water at greater depths than sumps at a construction site. The two most common types of wells used for dewatering ground water are:
 - Wellpoints.
 - Deep Wells.

CDGP authorization is not required for dewatering performed through a wellpoint or deep well that is installed and only operated prior to construction activities in an undisturbed area (i.e. an area not within an active construction site). Because this exemption applies to unaltered groundwater, the owner/operator must control the first flush/initial purge so that sediment-laden water is not discharged into surface water. However, once construction has been initiated at the site, well dewatering activity is no longer exempted and cannot occur without an authorization under the 2025-CDGP.

C. Sources Excluded from Coverage

1. The Montana Department of Environmental Quality (DEQ) may deny a CDGP request for discharge for the following:
 - a) The specific source applying for authorization appears unable to comply with the following requirements:
 - effluent limitations or other terms and conditions of the permit;
 - water quality standards established pursuant to 75-5-301, MCA; or
 - discharges that the regional administrator has objected to 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 CDGP.

- c) A Montana Pollutant Discharge Elimination System (MPDES) permit or authorization for the same operation has previously been denied or revoked.
 - d) The discharge 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 discharge 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 or of wild and scenic rivers.
2. DEQ may deny a CDGP request for discharge from dewatering activities at or near a contaminated site. If the dewatering activity is proposed to be located near a known or potential site, the applicant must demonstrate that there will not be pollutants in the dewatering effluent discharged at concentrations over the contaminant thresholds as presented in **Table 6** of this permit.

D. Requirements for Authorization

1. Notice of Intent Package

Applicants must submit a CDGP Notice of Intent (NOI-07) package to DEQ and be authorized prior to discharging dewatering effluent that may reach state surface waters. A complete NOI package requires applicants to include the following:

- a. *NOI-07 Form*: Once DEQ's online Fees Application and Compliance Tracking System (FACTS) has been updated, applicants will be required to submit construction dewatering NOIs and the applicable items below electronically through the FACTS database. FACTS is located on DEQ's website at <https://svc.mt.gov/deq/factspermitting>.

Until such time, a hard copy of the updated NOI form and instructions will be available on DEQ's webpage at <https://deq.mt.gov/water/assistance> or upon request by calling DEQ at (406) 444-5546. See **Attachment #1** for the final 2025 NOI-07.
- b. *Dewatering Control Plan*: The initial Dewatering Control Plan must be submitted as part of the NOI-07 package.
- c. *Sage Grouse Habitat Executive Order No. 12-2015*: If the operation is in sage grouse core, general, or connectivity habitat, the applicant must include a consultation letter from the Sage Grouse Habitat Conservation Program for new or modified projects. If the operation is outside of sage grouse habitat, a consultation letter is not required. Information regarding the Sage Grouse Habitat Conservation Program can be found online at <https://sagegrouse.mt.gov/>.
- d. *MTNHP and SHPO*: As part of the NOI process, an applicant with a for new or modified projects will be required to provide information from both the Montana Natural Heritage Program (MTNHP) for Species of Concern and the Montana State Historic Preservation Office (SHPO) for a report on any historical, cultural, or archeological resources. These analyses can be obtained from:
 - a. Montana National Heritage Program <https://mtnhp.org/>
 - b. Montana State Historic Preservation Office <https://mhs.mt.gov/Shpo/>

e. *Required Fees (per billable outfall):*

- New Application: \$900 *Includes first annual fee*
- Renewal Application: \$400
- Modification: \$400

2. New Authorization under the 2025-issued CDGP

The process for obtaining coverage for a new site under the CDGP is as follows:

- a. Applicants must submit a complete NOI Package to DEQ at least 30 days prior to the planned dewatering discharge. This includes applicable Sage Grouse Habitat, MTNHP, and SHPO documentation.
- b. DEQ will review the NOI package for completeness.
 - If there are no deficiencies, DEQ will issue an authorization letter.
 - If the NOI package is deficient, DEQ will notify the applicant of the required information. DEQ will issue an authorization letter once the deficient materials are addressed by the applicant.

As of May 1, 2025, applicants are not allowed to discharge to state surface waters without a current authorization letter from DEQ.

3. Renewed Authorization under the 2025-issued CDGP

Continued coverage applies to permittees currently authorized under the 2020-CDGP. DEQ will reissue authorization to existing permittees through the process outlined below:

- a. Applicants with an authorization under the 2020-CDGP must submit a complete 2025-CDGP NOI Package to DEQ for continued coverage. The NOI package must be submitted by May 1, 2025.
- b. DEQ will review the NOI package for completeness.
 - If there are no deficiencies, DEQ will issue a renewed authorization letter.
 - If the NOI package is deficient, DEQ will notify the applicant of the required information. DEQ will issue an authorization letter once the deficient materials are addressed by the applicant.

Applicants are not allowed to discharge to state surface waters without a 2025-CDGP authorization letter from DEQ as of May 30, 2025.

4. Terminate Permit Coverage

Permit coverage remains in effect until the expiration date of this General Permit or until DEQ receives notice from the permittee that the point source of discharge has been eliminated. The options for a permittee to terminate permit coverage are listed below:

- The permittee must submit a Request for Termination (RFT) in DEQ's FACTS database with CROMERR-compliant electronic certification by a Signatory Authority. In cases where the use of the FACTS interface is not feasible, the permittee may mail a hardcopy Notice of Termination (NOT) Form with original signature to DEQ. The NOT form is available at <http://deq.mt.gov/water/assistance>. **Annual fees (calendar year) will accrue until DEQ receives the complete RFT/NOT and sends an acknowledgement of the termination request.**
- Permittees may request to be excluded from coverage under this General Permit by applying for and obtaining an individual MPDES permit. If an individual MPDES permit is issued, coverage under this General Permit will be terminated on the effective date of the individual MPDES permit.

5. Transfer Permit Coverage

DEQ may transfer authorization to a new owner or operator under the General Permit. Both the current owner and the new owner must complete and certify a completed Permit Transfer Notification (PTN) form either electronically on the FACTS site at <https://svc.mt.gov/deq/factspermitting> or by hardcopy after downloading the PTN form available at <http://deq.mt.gov/water/assistance> (or available upon request from DEQ) and mail the completed PTN with original signatures and applicable fee to DEQ.

6. Denied Authorizations

If a permittee is denied authorization under the General Permit, DEQ may request additional information and additional application fee and process the request for authorization through the individual MPDES permit requirements unless the applicant withdraws the NOI or modifies the operations to be eligible under the General Permit.

II. EFFLUENT LIMITS, MONITORING REQUIREMENTS & SPECIAL CONDITIONS

A. Effluent Limits

Beginning on May 1, 2025, and lasting through the duration of this General Permit, each permittee requesting coverage under this CDGP will need to meet the applicable turbidity, oil & grease, and chemical use limits described below. All limits apply after treatment and prior to discharge to receiving waters.

1. Turbidity. Permittees requesting coverage under this CDGP are required to choose the most applicable turbidity category for each outfall, based on the potential relative impact to the receiving waterbody. **Table 1** presents the categories and associated turbidity limits. The following provides the descriptions of the receiving waterbody categories:

A. Minimal Impact

Construction dewatering discharges under the following subcategories are expected to have minimal impact on the receiving water turbidity:

- **Ephemeral waterbodies** – an “ephemeral stream” means a stream or part of a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and whose channel bottom is always above the local water table. This subcategory can include a "seasonal lake or pond" which means a natural depression in the land surface that periodically holds water from precipitation or snow and ice melt in the immediate watershed.
- **Constructed storm sewer system** – drainage system designed and built solely for the transport of storm water or snow melt. This includes underground stormwater collection systems, road-side ditches, and stormwater retention and detention basins. Constructed storm sewer systems are typically ephemeral in that they only flow in response to rainfall or snow melt.
- **Dry intermittent waterbodies** – dewatering discharge to an “intermittent stream” (means a stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface run-off and groundwater discharge) that **has no ambient water present during the dewatering period**. In addition, to be characterized under the dry intermittent subcategory, the discharge must dissipate and not reach downstream waters. This subcategory includes discharge to dry irrigation canals, dry intermittent streams, and semi-permanent lakes or ponds.

If the situation changes so that there is ambient water at the time of dewatering, the permittee is responsible for complying with the requirements for waterbodies under the

B-Category, “Increased Risk of Impact” and following the reporting requirements at Part II.A.2 herein.

- **Large rivers** – Direct discharge to specified segments for one of eight large rivers: Big Horn, Clark Fork, Flathead, Kootenai, Madison, Missouri, South Fork Flathead, or Yellowstone River (see **Attachment #3**).
- **A-Category Exceptions**
This exemption allows for coverage for A-Category discharges that have turbid ambient waters:
 - **Impaired Waters** – on the 303(d) list for turbidity or sediment. Identified in the Clean Water Act Information Center (CWAIC) <https://clean-water-act-information-center-mtdeq.hub.arcgis.com/>.
 - **Turbid ambient waters** – discharge will occur/may occur during periods with ambient receiving water that has a turbidity greater than 100 NTU.

B. Increased Risk of Impact

This category is more restrictive, to ensure protection of potentially sensitive receiving waters. The following waterbodies have an increased risk of being impacted by construction dewatering discharges:

- **Perennial waterbodies** – rivers (other than the eight large rivers listed above), streams, lakes, and reservoirs that have ambient water present all year.
- **Intermittent waterbodies** – dewatering discharge to an “intermittent stream” (means a stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface run-off and groundwater discharge) that has or may have ambient water present during the dewatering period, or the discharge may reach downstream waters. This subcategory includes discharge to dry irrigation canals, dry intermittent streams, and semi-permanent lakes or ponds.
- **Wetlands.**
 - **B-Category Exceptions**
There are two waterbody classifications that have special considerations and have a specific turbidity limit under the “Increased Risk of Impact” category:
 - **Waterbodies classified as A-Closed or A-1** (see ARM 17.30 Subchapter 6). These waterbodies have ‘no increase above background’ regulatory requirements and are the most protected classes of waterbodies.

Table 1: Turbidity Categories Based on Receiving Waterbody Impact		
Receiving Water at Time of Discharge	Effluent Turbidity Limit (NTU)	
	Maximum Daily Limit	Average Monthly Limit
A. Minimal Impact: <ul style="list-style-type: none"> ▪ Ephemeral waterbodies ▪ Constructed storm sewer systems ▪ Dry intermittent waterbodies (no ambient water present ⁽¹⁾) ▪ Large Rivers: specific segments of the Big Horn, Clark Fork, Flathead, Kootenai, Madison, Missouri, South Fork Flathead, or Yellowstone River (see Attachment #3) 	100	100
<ul style="list-style-type: none"> ➤ A-Category Exceptions for Turbid Water <ul style="list-style-type: none"> ▪ Waterbodies listed as impaired on the 303(d) list for turbidity or sediment. ▪ Discharge will occur/may occur during periods with turbid ambient receiving water that is greater than 100 NTU 	(2)	100 ⁽²⁾
B. Increased Risk of Impact: <ul style="list-style-type: none"> ▪ Perennial rivers and lakes ▪ Intermittent waterbodies ▪ Wetlands 	20	10
<ul style="list-style-type: none"> ➤ B-Category Exception for Clean Water <ul style="list-style-type: none"> ▪ Waterbodies classified as A-Closed or A-1 	(3)	10 ⁽³⁾
Footnotes: (1) If there is an unexpected change in the ambient conditions (i.e. dry intermittent (A-Category) was selected but ambient flow is present), the permittee is responsible for meeting the B-Category limits and monitoring frequency. Also see below, Part II.A.2. (2) The A-Category exception turbidity limits for turbid water will change based on the relative turbidity of the receiving water (i.e., the effluent must always be at or below the upstream turbidity). The daily maximum discharge turbidity limit is no increase above background. The average monthly effluent quality must meet whichever is more stringent: no increase above average monthly background turbidity or 100 NTU. (3) The B-Category exception turbidity limits for clean water, which are waterbodies classified as A-Closed or A-1 (see ARM 17.30 Subchapter 6), will change based on the relative turbidity of the receiving water (i.e., the effluent must always be at or below the upstream turbidity). The daily maximum discharge turbidity limit is no increase above background. The average monthly effluent quality must meet whichever is more stringent: no increase above average monthly background turbidity or 10 NTU.		

2. **Temporary Category Change Due to Changing Ambient Conditions.** If the applicant selected the “Dry Intermittent Waterbody” subcategory but the dewatering effluent is discharged into running surface water, rather than a dry stretch as permitted, the permittee must indicate the condition in the comment field of the NetDMRs, document the change in the Daily Log including date and time, and comply with the turbidity limits and associated monitoring for waterbodies with “Increased Risk of Impact.”
3. **Oil & Grease.** There may be no visible oil film, nor may oil & grease be present in concentrations at or in excess of 10 milligrams per liter. If a visual examination of the discharge

indicates the presence of hydrocarbons, by sheen, odor, or other sign, the permittee is required to take corrective action as specified under the Special Conditions **Part II.D.3** of this permit, including analyzing a grab sample of the discharge in accordance with 40 CFR 136 and ceasing discharge until the source is eliminated.

4. **Chemicals.** No chemicals, other than coagulants and/or flocculants used in accordance with manufacturer's specifications, may be added to, or discharged with, the construction dewatering effluent. Use of coagulants or flocculants, or the presence of contaminants must be reviewed and authorized by DEQ.

B. Monitoring and Reporting Requirements

Monitoring of the effluent must be representative of the volume and nature of the discharge. Effluent quality will be monitored at the discharge location (outfall) after all treatment has occurred, prior to entering the receiving water. Monitoring is only required during periods of discharge to state surface waters.

Monitoring results shall be noted on the daily log beginning the effective date of the authorization. In addition, the monitoring results are required to be reported to DEQ on Discharge Monitoring Reports (NetDMRs) by the 28th of the following month. If no discharge occurs, the permittee shall indicate "no discharge" on the monthly NetDMRs.

Samples shall be collected, preserved, and analyzed in accordance with approved procedures listed in 40 CFR Part 136 and any non-detects must meet the Required Reporting Values (RRVs) listed in Circular DEQ-7 unless otherwise specified. Turbidity grab samples can either be analyzed on-site using a turbidity meter or by sending to a laboratory for analysis.

1. **Monitoring Frequency.** The specific monitoring requirements for each outfall will depend on the category that was selected from **Table 1**, and will be indicated on the authorization letter sent to the permittee. Monitoring requirements for each of the categories are presented in **Tables 2 to 5**, as follows:
 - **Table 2:** A-Category: Minimal impact
 - **Table 3:** A-Category Exceptions
 - **Table 4:** B-Category: Increased Risk of Impact
 - **Table 5:** B-Category Exceptions

Table 2: A-Category “Minimal Impact” Monitoring Requirements					
Parameter	Sample Location	Unit	Sample Frequency ⁽¹⁾	Sample Type	Reporting Requirement
Days with Discharge	Effluent	Days	1/Day	Visual	Value
Ambient Flow	Upstream	Y/N	1/Day	Visual	--
Turbidity	Effluent	Y/N ⁽²⁾	1/Day	Visual	--
		NTU	1/Week ⁽³⁾	Grab	Daily Max and Monthly Avg
Oil and grease	Effluent	Y/N ⁽⁴⁾	1/Day	Visual	--
		mg/L	⁽⁴⁾	Grab	Daily Max

Footnotes:

- 1) Monitoring is required during any periods with dewatering discharge that reaches state surface water.
- 2) Turbidity “Yes” indicates a visual observation of elevated turbidity that is suspected to be above the numeric NTU limit. This situation requires the permittee to take and analyze a grab sample of the discharge and take corrective action as specified under the Special Conditions **Part II.D.3**.
- 3) Turbidity grab samples of the discharge must be taken for analysis in the first four (4) hours of discharge, then at least once per week thereafter.
- 4) If a visual examination of the discharge indicates the presence of hydrocarbons, by sheen, odor, or other sign, the permittee is required to take corrective action as specified under the Special Conditions **Part II.D.3** including analyzing a grab sample of the discharge in accordance with 40 CFR 136.

Table 3: A-Category Exceptions Turbid Water “No Increase Above Background” Monitoring Requirements					
Parameter	Sample Location	Unit	Sample Frequency ⁽¹⁾	Sample Type	Reporting Requirement
Days with Discharge	Effluent	Days	1/Day	Visual	Value
Ambient Flow	Upstream	Y/N	1/Day	Visual	--
Turbidity	Effluent	Y/N ⁽²⁾	1/Day	Visual	--
	Effluent	NTU	1/Week ⁽³⁾	Grab	Daily Max and Monthly Avg
	Upstream			Grab	
	Difference ⁽⁴⁾			Calculated	
Oil and grease	Effluent	Y/N ⁽⁵⁾	1/Day	Visual	--
		mg/L	⁽⁵⁾	Grab	Daily Max

Footnotes:

- 1) Monitoring is required during any periods with dewatering discharge that reaches state surface water.
- 2) Turbidity “Yes” indicates a visual observation of elevated turbidity that is suspected to be above the numeric NTU limit. This situation requires the permittee to take and analyze a grab sample of the discharge and take corrective action as specified under the Special Conditions **Part II.D.3**.
- 3) Turbidity grab samples of the ambient (upstream) condition and the discharge must be taken for analysis in the first four (4) hours of discharge, then at least once per week thereafter, as well as when the visual observation indicates elevated effluent turbidity.
- 4) The turbidity net difference is the increase over background, calculated by subtracting the upstream turbidity from the effluent turbidity. The turbidity net (difference) must be at or below 0 NTU.
- 5) If a visual examination of the discharge indicates the presence of hydrocarbons, by sheen, odor, or other sign, the permittee is required to analyze a grab sample of the discharge in accordance with 40 CFR 136, cease discharge until the oil and grease is eliminated, and take corrective action as specified under the Special Conditions **Part II.D.3**.

Table 4: B-Category “Increased Risk of Impact” Monitoring Requirements					
Parameter	Sample Location	Unit	Sample Frequency ⁽¹⁾	Sample Type	Reporting Requirement
Days with Discharge	Effluent	Days	1/Day	Visual	Value
Turbidity	Effluent	Y/N ⁽²⁾	1/Day	Visual	--
		NTU	2/Week ⁽³⁾	Grab	Daily Max and Monthly Avg.
Oil and grease	Effluent	Y/N ⁽⁴⁾	1/Day	Visual	--
		mg/L	⁽⁴⁾	Grab	Daily Max

Footnotes:

- Monitoring is required during any periods with dewatering discharge that reaches state surface water.
- Turbidity “Yes” indicates a visual observation of elevated turbidity that is suspected to be above the numeric NTU limit. This situation requires the permittee to take and analyze a grab sample of the discharge and take corrective action as specified under the Special Conditions **Part II.D.3**.
- Turbidity grab samples of the discharge must be taken for analysis in the first four (4) hours of discharge, then at least twice per week (at least one day apart) thereafter, as well as when the visual observation indicates elevated turbidity.
- If a visual examination of the discharge indicates the presence of hydrocarbons, by sheen, odor, or other sign, the permittee is required to analyze a grab sample of the discharge in accordance with 40 CFR 136, cease discharge until the oil and grease is eliminated, and take corrective action as specified under the Special Conditions **Part II.D.3**.

Table 5: B-Category Exception for Clean Water “No Increase Above Background” Monitoring Requirements					
Parameter	Sample Location	Unit	Sample Frequency ⁽¹⁾	Sample Type	Reporting Requirement
Days with Discharge	Effluent	Days	1/Day	Visual	Value
Receiving Water Flow	Upstream	Y/N	1/Day	Visual	--
Turbidity	Effluent	Y/N ⁽²⁾	1/Day	Visual	--
	Effluent	NTU	2/Week ⁽⁴⁾	Grab	Daily Max and Monthly Avg
	Upstream			Grab	
Difference ⁽⁴⁾	Calculated				
Oil and grease	Effluent	Y/N ⁽⁵⁾	1/Day	Visual	--
		mg/L	⁽⁵⁾	Grab	Daily Max

Footnotes:

- Monitoring is required during any periods with dewatering discharge that reaches state surface water.
- Turbidity “Yes” indicates a visual observation of elevated turbidity that is suspected to be above the numeric NTU limit. This situation requires the permittee to take and analyze a grab sample of the discharge and take corrective action as specified under the Special Conditions **Part II.D.3**.
- Turbidity grab samples of the ambient (upstream) condition and the discharge must be taken for analysis in the first four (4) hours of discharge, then at least once per week thereafter, as well as when the visual observation indicates elevated effluent turbidity. Samples must be taken at times representative of the site’s construction activity and the nature of the discharge.
- The turbidity net difference is the increase over background, calculated by subtracting the upstream turbidity from the effluent turbidity, and the net (difference) must be at or below 0 NTU.
- If a visual examination of the discharge indicates the presence of hydrocarbons, by sheen, odor, or other sign, the permittee is required to analyze a grab sample of the discharge in accordance with 40 CFR 136, cease discharge until the oil and grease is eliminated, and take corrective action as specified in accordance with the Special Conditions **Part II.D.3**.

2. **Oil & Grease.** A daily check for visible signs of oil & grease in the discharge must be conducted. If the visual examination of the discharge indicates the presence of hydrocarbons, by sheen, odor, or other sign, the permittee is required to take corrective action, including analyzing a grab sample of the discharge under 40 CFR 136 and ceasing discharge until the source is eliminated.
3. **Coagulant/ flocculant and Potential Contaminant Discharge.** The permittee shall use coagulant/flocculant as authorized and log the use of it on the daily log (see **Part II.D.1**). If authorized, the permittee shall keep records of potential contaminants and conduct required follow-up sampling and analysis as required (see **Part II.D.1 and 4**).

C. Recordkeeping

The permittee must maintain the following records onsite (hard-copy or electronic):

- 2025-CDGP;
- A copy of the completed and signed NOI-07 package including modification submittals;
- A copy of DEQ's authorization letter;
- Discharge Monitoring Reports (NetDMRs);
- Monitoring Records (lab reports or turbidity readings and equipment calibration);
- Daily visual log;
- Dewatering Control Plan (current version);
- Copies of all reports and reports of noncompliance;
- The Sage Grouse consultation letter, and SHPO and NRIS reports, as applicable; and
- A copy of the termination request and DEQ's confirmation of termination response.

The permittee must maintain the daily records for a period of at least three years and make these records available to DEQ upon request.

D. Special Conditions

1. **Daily log.** Permittees are required to maintain an observation log during the period of permit coverage in accordance with the schedule listed in the monitoring requirements table for the activity and the following:
 - When there is no dewatering activity the permittee must include an observation such as "not dewatering" on the log for the extent of permit coverage with no dewatering.
 - When there is dewatering but the discharge does not reach surface water, the permittee must include an observation such as "discharge not reaching surface water." This observation must be made at least daily during dewatering.
 - When dewatering reaches the surface water, all observations must be included on the log, and this activity is counted as a day of dewatering discharge for the NetDMRs.

An example log is included in **Attachment #2**. The permittee may use the log or develop their own log that contains the following data at a minimum: date and time of observations, identification of the person recording the observation, monitoring results (visual or grab sample), inspection observations as identified in the site's Dewatering Control Plan (see below), any problems observed, and any corrective action performed (including the use of authorized coagulant/ flocculants).

The permittee must maintain records, including the daily log, for a period of at least three years and make these records available to DEQ upon request. The observation log can be paper or

electronic. The daily log is considered a method for the permittee to ensure good operating practices as well as to demonstrate compliance with the effluent limitations.

2. **Dewatering Control Plan (Dewatering Plan).** Any permittee covered under the 2025-CDGP is required to develop a written site-specific Dewatering Plan, submit it as part of the NOI-package, and implement it. The plan must be maintained and available for inspection on-site in either paper or electronic format, and must include:
 - a) Evaluation, installation, and maintenance of Best Management Practices (BMPs), including but not limited to:
 - i. Run-on prevention and/or ground water exclusion methods;
 - ii. Erosion control to prevent surface water/stormwater contamination of site (i.e. soil roughening, riprap, mulching, geotextiles, etc.). Excavated material must be transported and stockpiled in such a manner as to prevent its erosion returning to the receiving stream;
 - iii. Treatment at dewatering pump intake (i.e., filtering sump, wrapping submersible pump in filter fabric);
 - iv. Sediment control for dewatering discharge (i.e. constructed settling pond, dewatering bags, fiber rolls, vegetated buffers, etc.); and
 - v. Proper use of anionic flocculants and coagulants, if needed (including maintaining MSDSs and following manufacturers' recommendations).
 - b) Measures taken to prevent first flush/initial purge discharges from entering state surface waters.
 - c) Measures taken to prevent spilled or leaking fuels and lubricants from entering the watercourse.
 - d) Measures taken to minimize erosion from the discharge through flow dissipation devices such as rip rap, baffles, or other methods, as necessary. The discharge shall not cause or result in erosion to the area of the discharge or the surrounding stream banks.
 - e) Discharge monitoring procedures for the site to ensure that monitoring is effective, and must cover all times of discharge (including weekends and holidays if applicable). The Dewatering Plan must include an identification of the person(s) responsible, monitoring frequency, any necessary equipment and its maintenance, including calibration materials, and record-keeping in the daily log.
 - f) BMP inspection procedures to prevent breakdowns or failures of the control equipment. The permittee must include the inspection frequency, person(s) responsible, and extent of the inspections (including erosion prevention, dewatering operations, dewatering treatment, and discharge quality), and record-keeping in the daily log. The permittee must also include names/numbers for off-hours notification of responsible personnel in the event of an emergency.
 - g) Corrective action protocol.
3. **Corrective Action.** Upon any visual observations of BMP failure, inadequate BMPs, elevated turbidity, or an oil sheen, the following steps must be conducted:
 - Take a grab sample for analysis anytime there is an observation of elevated turbidity, oil and grease, and/or other potential contaminants.
 - Cease discharge of dewatering effluent until the issue is resolved.

- Conduct a site-wide inspection to observe operating conditions and BMP maintenance.
 - Address any BMP failures by determining whether there was a failure in design, installation, or maintenance and perform the appropriate measures to fix the failure, including determining whether BMPs should be modified or if additional measures must be taken.
 - Document the issues and resolutions in the observation log and update the Dewatering Plan.
 - Include a report with the next DMR submittal.
- 4. Potential Contamination.** All applicants must determine whether the proposed dewatering activity may be in or near a known area of contamination. Dewatering within such an area is assumed to transfer contaminants into the receiving water, and is not allowed under this CDGP without DEQ approval. For areas in or near an area of contamination, the applicant must provide:
- Documentation that the relevant regulatory clean-up program (typically within DEQ’s Waste Management & Remediation Division) has been consulted. Any jurisdictional remediation program recommendations must be implemented.
 - A list of parameters of concern that may be expected in the dewatering discharge based on the site conditions.
 - Evidence that the expected concentration(s) of the parameter(s) in the proposed dewatering discharge are below the coverage threshold(s) as found below in **Table 6** (*i.e.* below the greater of the RRV or 50% of the lowest water quality standard in Circular DEQ-7).

Table 6 provides proposed coverage/treatment thresholds for common contaminants.

Table 6: Common Contaminants Thresholds for CDGP Permit Coverage ⁽¹⁾			
Parameter (µg/L)	Circular DEQ-7 RRV	50% Lowest Water Quality Std	Coverage Threshold
Benzene	0.6	2.5	2.5
Toluene	1	28.5	28.5
Ethylbenzene	1	34	34
Xylene	3	5,000	5,000
Arsenic	1	5	5
Nitrate + Nitrite	20	5,000	5,000
Naphthalene	10	50	50
Pentachlorophenol	5	0.05	5
Perchloroethylene (Tetrachloroethylene)	0.7	2.5	2.5
(1) For other contaminants, the threshold will be the greater of the RRV or 50% of the lowest water quality standard in Circular DEQ-7.			

The expected groundwater concentrations may be an estimate by the remediation program and/or pre-discharge sample analysis conducted by the applicant. Applicants must request that the laboratories analysis be capable of detecting at the threshold or better, or provide an explanation if this is not possible.

If the groundwater concentration, and thus the expected dewatering effluent concentration, is greater than the threshold for any contaminant, DEQ will deny the dewatering project unless treatment is proposed that can reduce concentrations to below the eligibility thresholds. In order to approve the discharge, after-treatment concentrations must be below the **Table 6** coverage threshold and follow-up monitoring may be required.

- If it is not possible to provide laboratory analysis, or an acceptable concentration estimate from the DEQ remediation program at the time of submittal, the applicant may, if authorized, conduct sampling within the first four hours of dewatering discharge with expedited laboratory results. The pre-discharge sample should be taken after treatment. Details on the treatment system used (including pilot system and full-scale) must be included with the NOI. DEQ will process the CDGP authorization request *if* laboratory results for all relevant parameters (either Reporting Level (RL) or Method Detection Level (MDL)) show either:
 - non-detect at concentrations meeting the RRV as provided in Circular DEQ-7, or
 - detection at levels below the threshold in **Table 6**.

The permittee shall include a copy of the lab results with the NOI package submittal. If the laboratory RL or MDL is “non-detect” but is not capable of detecting down to the RRV, a detailed explanation of why the results cannot achieve the required detection level must be included with the analysis. DEQ may require additional information including, but not limited to, additional testing during dewatering.

- If additional tests performed during discharge of dewatering effluent result in concentrations above the threshold, the dewatering discharge to surface water must cease until a solution is found that brings the discharge concentrations below the threshold values.
 - The permittee must notify DEQ’s Water Protection Bureau verbally within 24 hours of an elevated concentration at or above the threshold value, and follow-up in writing within five days.
 - i. The permittee cannot resume discharging dewatering effluent into state surface waters until DEQ issues a written authorization.
 - ii. If contaminants are found in any sample at concentrations above the threshold, and if a solution cannot be found to reduce below the threshold, the discharge is not eligible for coverage under the CDGP.

5. Multiple Outfalls. Construction dewatering projects may have more than one outfall. An "outfall" means a disposal system through which effluent or waste leaves the facility or site. Each outfall will have a unique location (latitude and longitude). Specific outfalls must be identified on the NOI-07 for two reasons:

- **NetDMR reporting.** Limit sets and monitoring requirements are developed for each dewatering outfall depending on the receiving waterbody category (**Table 1**). Construction dewatering discharges from multiple outfalls that go to the same receiving waters or stream segment may be grouped under one outfall for NetDMR reporting and compliance purposes.
- **Fees.** Application fees and annual fees for construction dewatering authorizations are based on the number of billable outfalls. ARM 17.30.201(6)(a) states in relevant part: “... the Department shall assess a fee for each outfall... An application fee for multiple outfalls is not required if there are multiple outfalls from the same source that have similar effluent characteristics, *unless the discharges are to different receiving waters or stream segments*, or result in multiple or variable (flow dependent) effluent limits or monitoring requirements.”

Billable outfalls may be based on linear projects, or non-linear projects that discharge into the same waterbody.

a) **Linear Projects**

EPA’s 2022 CGP definition for a linear construction site includes the “construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.”

For DEQ's 2025-CDGP, any applicant with a linear project may group the potential construction dewatering discharge locations into **billable outfall groups** by size/type of receiving water. The billable outfall groups are:

1. *Large Rivers*: Specific segments of the Big Horn River, Clark Fork River, Flathead River, Kootenai River, Madison River, Missouri River, South Fork Flathead, or Yellowstone River. (See **Attachment #3**.)
2. *Perennial*: Rivers (other than the eight large rivers), streams, or wetlands/ lakes/ reservoirs.
3. *Intermittent*
4. *Ephemeral*

The applicant must list each billable outfall group with its central latitude/longitude on the NOI form. Application fees, annual fees, daily logs, and NetDMR outfalls will be based on the billable outfall groups.

In addition, the applicant must provide an attachment listing each potential discharge location as part of the NOI submittal, including each location (latitude/longitude), name of initial and first-named receiving waterbodies, and the associated billable outfall group.

If, after authorized, the permittee discovers the need for additional discharge locations, the permittee shall re-submit an updated outfall list prior to commencing any discharge to surface waters from a new or changed location. If the discharge location is to a new receiving water group, the permittee must submit a modification request and pay the \$900 fee for each new billable outfall.

The required Dewatering Control Plan may be general to all receiving waters if there is sufficient detail to determine the activities planned for any individual location.

b) **Non-Linear Projects**

For non-linear projects with more than one outfall, such as dewatering within subdivisions, any outfall leading to the same waterbody can be grouped as a billable outfall. However, if two or more outfalls discharge to two separate waterbodies – such as Farmers Canal and Cattail Creek – there are two billable outfalls. **This is a change from the 2020-CDGP for subdivision developers.**

III. 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; for revocation and reissuance of a confirmation letter; for a modification requirement; or for denial of coverage under the General Permit (new or renewed). The permittee must give DEQ Department advance notice of any planned changes which may result in permit noncompliance.

B. Penalties for Violations of Permit Conditions

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to civil or criminal penalties not to exceed \$25,000 per day or one year in prison, or both, for the first conviction, and \$50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions. MCA 75-5-611(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.

C. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The reapplication must be submitted at least 30 days before the expiration date of this permit.

D. Need to Halt or Reduce Activity Not a Defense

It is not 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.

E. 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.

F. 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.

G. 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.

H. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

I. Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or

terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit.

J. Inspection and Entry

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

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and as otherwise authorized by the Montana Water Quality Act, any substances or parameters at any location; and
4. Sample, or monitor at reasonable times for the purpose of assuring permit compliance, any substances or parameters at any location.

K. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by the Clean Water Act, applications, permits and effluent data shall not be considered confidential.

L. Monitoring and Monitoring Reports – Reporting Requirements

The Department may require a permittee to monitor in addition to any conditions in this permit, on a case-by-case basis. If monitoring is required, the Department will specify monitoring requirements to include, and not limited to, storm water sampling, analytical testing, and an evaluation of monitoring results, recording, and reporting. Monitoring results must be reported on a discharge monitoring report (DMR) or as required by the Department. Monitoring results must be reported at the intervals specified.

If the permittee monitors any pollutant more frequently than required, using approved test procedures, the results of this monitoring must be included in the calculation and reporting of data submitted in the DMR. Calculations for all limitations which require averaging of measurements must utilize an arithmetic mean unless otherwise specified by the Department.

M. Monitoring and Records

1. Representative Sampling

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

2. Retention of Records

The permittee shall retain records of all monitoring information including all calibrations and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Department at any time.

3. Records Content

Records of monitoring information must include:

- a. the date, exact place, and time of sampling or measurements;

- b. the individual(s) who performed the sampling or measurements;
- c. the date(s) analyses were performed;
- d. the individual(s) who performed the analyses;
- e. the analytical techniques or methods used; and,
- f. the results of such analyses.

4. Test Procedures – Monitoring and Records

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, confirmation letter, or by the Department.

5. Penalties for Falsification and Tampering

The Montana Water Quality Act at MCA 75-5-633 provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method, or makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

N. Signatory Requirement

Authorized Representatives: All applications, reports or information submitted to the Department shall be signed and certified as required by ARM 17.30.1323.

1. All permit notices of intent shall be signed as follows:
 - a. For a corporation: by a principal executive officer or ranking elected official;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is considered a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Department; and
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position.
3. **Changes to authorization:** If an authorization described above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the above requirements must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. **Certification:** Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified

personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

O. Reporting Requirements

1. Planned Changes

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

- a. The alteration or addition to the permitted facility, activity, or operation may meet one of the criteria for determining whether a facility is a new source under ARM 17.30.1340(2); or
- b. The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit, nor notification requirements under ARM 17.30.1343(1)(a).

2. Anticipated Noncompliance

The permittee shall give advance notice to the Department of any planned changes in the permitted facility/activity/operation which may result in noncompliance with permit requirements. The permittee shall notify as soon as possible by phone and provide with the following information, in writing, within five (5) days of becoming aware of such condition:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non-complying discharge.

3. Transfers

This permit is not transferable to any person except after notice to the Department and a transfer fee is paid. The Permit Transfer Notification (PTN) form provided by the Department must be completed and must be received by the Department at least 30 days prior to the anticipated date of transfer. The form must be signed by both the existing owner/operator and the new owner/operator following signatory requirements of **Part III.N** of this Permit.

4. 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.

5. Twenty-Four Hour Reporting

The permittee shall report any serious incident of noncompliance affecting the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances:

- a. Any noncompliance which may seriously endanger health or environment;
- b. Any unanticipated bypass which exceeds any effluent limitation in the permit;
- c. Any upset which exceeds any effluent limitation in the permit; or
- d. As applicable, violation of a maximum *daily discharge* limit of any pollutant listed by the Department in the General Permit or confirmation letter [see 40 CFR 122.44(g)].

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

- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Oral Notification: The report shall be made orally to the Water Protection at (406) 444-5546 or the Office of Disaster Emergency Services at (406) 324-4777.

Waiver of Written Notification Requirement: The Department may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau, by phone, (406) 444-5546. Written reports shall be submitted to the following address:

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

6. Other Noncompliance

Instances of noncompliance not required to be reported within 24 hours shall be reported as soon as possible. The reports shall contain the information listed above for written submissions under “Twenty-four Hour Reporting” (**Part III.O.5**).

7. 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 the Department, it shall promptly submit such facts or information.

P. Bypass

Intentional diversions of untreated waste streams from any portion of a treatment facility are prohibited unless:

1. the bypass does not cause effluent to exceed effluent limitations and is necessary for essential maintenance to ensure efficient operation; or
2. the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage; or
3. there are no feasible alternatives;
4. and the proper notification is submitted.

Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass. If the permittee knows in advance of the need for anticipated bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects.

The permittee shall submit notice of an unanticipated bypass as required under **III.O.5**.

Q. Upset Conditions

An upset may be used as an affirmative defense in actions brought to the permittee for noncompliance with a technology-based effluent limitation. The permittee (who has the burden of proof) must have operational logs or other evidence showing:

1. when the upset occurred and its causes;
2. that the facility was being operated properly;

3. proper notification was made; and
4. remedial measures were taken as required by the duty to mitigate standard condition.

R. Fees

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, the Department may impose an additional assessment computed at the rate established under ARM 17.30.201, and suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this section. Suspensions are limited to one year, after which the permit will be terminated.

S. Removed Substances

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

T. Oil and Hazardous Substance Liability

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

U. Severability

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

V. Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different permit conditions than contained in this permit.
2. Water Quality Standards are Exceeded: If it is found that water quality standards or trigger values in the receiving stream are exceeded either for parameters included in the permit or others, the Department may modify the permit conditions or water management plan.
3. TMDL or Wasteload Allocation: TMDL requirements or a wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.
4. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

W. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established for toxic pollutants which are present in the discharge, within any specified timeframe within rule or thereof, and even if the General permit or confirmation letter has not yet been modified to incorporate such standard or prohibition for the toxic pollutant.

IV. DEFINITIONS AND ABBREVIATIONS

“**Act**” means the Montana Water Quality Act, Title 75, Chapter 5, MCA. (ARM 17.30.1304(1))

“**Average monthly limitation**” means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. (ARM 17.30.1304(10))

“**Best Management Practices**” (“**BMPs**”) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. (ARM 17.30.1102(1))

“**Bypass**” means the intentional diversion of waste streams from any portion of a treatment facility. (ARM 17.30.1304(14))

“**CFR**” means the Code of Federal Regulations.

“**Clean Water Act**” means the federal legislation at 33 USC 1251, et seq.

“**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. (ARM 17.30.1304(20))

“**Department**” means the Montana Department of Environmental Quality (DEQ). Established by 2-15-3501, MCA. (ARM 17.30.1304(21))

“**Discharge,**” when used without qualification, means discharge of a pollutant. (ARM 17.30.1304(23))

“**Discharge of a pollutant(s)**” means any addition of any pollutant or combination of pollutants to state water from any point source. This definition includes additions of pollutants into waters of the state from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by the state, municipality, or other person which do not lead to a treatment works. This term does not include an addition of pollutants by any indirect discharger (ARM 17.30.1304(24))

“**EPA**” means the United States Environmental Protection Agency. (ARM 17.30.1304(31))

“**Ephemeral Stream**” means a stream or a part of a stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and whose channel bottom is always above the local water table. (ARM 17.30.602(10))

“**Facility or activity**” means any MPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the MPDES program. (ARM 17.30.1304(34))

“**Grab sample**” means a sample that is taken from a waste stream on a one-time basis without consideration of flow rate of the effluent and without consideration of time. (2010 NPDES Permit Writers Manual Exhibit A-2 Glossary)

“**Intermittent Stream**” means a stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface run-off and groundwater discharge. (ARM 17.30.602(13))

“Maximum Daily Limit” means the highest allowable discharge of a pollutant during a calendar day. Expressed as units of mass, the daily discharge is cumulative mass discharged over the course of the day. It is the arithmetic average of all measurements taken that day.

“Mixing zone” means an area established in a permit or final decision on nondegradation issued by the department where water quality standards may be exceeded, subject to conditions that are imposed by the Department and that are consistent with the rules adopted by the Department. (75-5-103(20) and also means a limited area of a surface water body or a portion of an aquifer, where initial dilution of a discharge takes place and where water quality changes may occur and where certain water quality standards may be exceeded. (ARM 17.30.602(14))

“Montana Pollutant Discharge Elimination System (MPDES)” means the system developed by the Department for issuing permits for the discharge of pollutants from point sources into state surface waters. The MPDES is specifically designed to be compatible with the federal NPDES program established and administered by the EPA. (ARM 17.30.1304(43))

“Outfall” means a disposal system through which effluent or waste leaves the facility or site. (ARM 17.30.201(2)). 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.

“Owner or operator” means any person who owns, leases, operates, controls, or supervises a point source. (ARM 17.30.1304(50))

“Point Source” means any discernible, confined, or discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. (ARM 17.30.1304(55))

“Pollutant” means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water. The terms "sewage," "industrial waste," and "other wastes" as defined in 75-5-103, MCA, are interpreted as having the same meaning as pollutant. (ARM 17.30.1304(56))

“Required Reporting Values (RRV)” means the Department’s selection of a laboratory reporting limit that can be met by the majority of local laboratories. In most cases, the RRV is sufficiently sensitive to meet the most stringent numeric water quality standard. (Department Circular DEQ-7)

“Seasonal lake or pond” means a natural depression in the land surface that periodically holds water from precipitation or snow and ice melt in the immediate watershed.

“Semi-permanent lakes or ponds” means a natural depression in the land surface, not including reservoirs, that receives ground water in addition to precipitation runoff from the immediate watershed, and occasionally goes dry.

“Site” means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity. (ARM 17.30.1304(71))

“State Waters” means a body of water, irrigation system, or drainage system, either surface or underground. The term does not apply to: ponds or lagoons used solely for treating, transporting, or impounding pollutants; or, irrigation waters or land application disposal waters when the waters are used up within the irrigation or land application disposal system and the waters are not returned to state waters. (75-5-103(32), MCA)

"Surface waters" means any waters on the earth's surface, including but not limited to streams, lakes, ponds, and reservoirs; and irrigation and drainage systems discharging directly into a stream, lake, pond, reservoir, or other surface water. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water. (ARM 17.30.602(31))

"Total maximum daily load" or "TMDL" means the sum of the individual waste load allocations for point sources and load allocations for both nonpoint sources and natural background sources established at a level necessary to achieve compliance with applicable surface water quality standards. (75-5-103(35), MCA)

"TSS" means the pollutant parameter total suspended solids.

"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. (ARM 17.30.1304(31))

"Waste load allocation" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources. (75-5-103(37), MCA)

Attachment #1 – Notice of Intent (NOI-07)

Attachment #2: Daily Log Template

Attachment #3: Large Rivers

Large river segments within the state of Montana.

River Name	Segment Description
Big Horn River	Yellowtail Dam to mouth
Clark Fork River	Bitterroot River to state-line
Flathead River	Origin to mouth
Kootenai River	Libby Dam to state-line
Madison River	Ennis Lake to mouth
Missouri River	Origin to state-line
South Fork Flathead River	Hungry Horse Dam to mouth
Yellowstone River	State-line to state-line