Water Quality Division
Montana Pollutant Discharge Elimination System (MPDES)
General Permit for Construction Dewatering
Fact Sheet

Permit Number:	MTG070000
Receiving Water:	Statewide Areas of Montana (except Indian reservations)
Facility Contact:	Applicants
Fact Sheet Date:	December 2024

I. Permit Information

A. Permit Status

DEQ proposes to reissue the Montana Pollutant Discharge Elimination System (MPDES) *General Permit for Construction Dewatering* (General Permit or CDGP), MTG070000 for a five-year period. This General Permit applies to all areas of the state of Montana except for lands within the boundaries of Indian reservations.

There have been seven renewals of the CDGP since the first issuance in 1983. The most recent version was issued in 2020 (2020-CDGP). This Fact Sheet identifies changes from the 2020-CDGP and explains legal requirements and technical rationale.

- March 1, 2020 — 2020-CDGP became effective
- February 28, 2025 — 2020-CDGP expiration date
- March 1, 2025 — Proposed effective date of the renewed General Permit (2025-CDGP)

B. Proposed Permit Changes

The major changes proposed with this construction dewatering general permit renewal include:

- *Dewatering categories* – changes and clarifications were made to the dewatering categories, including exceptions (discharge to turbid waterbodies, impaired waterbodies, and those waterbodies classified as A-Closed or A-1), to facilitate the correct waterbody selection. See **Table 1**.
- *Turbidity monitoring requirements* – reduced the difference in monitoring frequency between categories by (see **Section IV**):
  - increasing turbidity monitoring from twice per month to once per week for discharges to waterbodies in the "A. Minimal Impact" category. Overall discharge turbidity levels in this category were higher than the other categories during the 2020-CDGP period of record.
  - decreasing turbidity monitoring from three times per week to twice per week for the waterbodies in the "B. Increased Risk of Impact" category. Overall discharge turbidity levels in this category were much lower than turbidity for the other categories during the 2020-CDGP period of record.
- *Contaminant Threshold Concentrations* – changed the CDGP authorization threshold for potential contaminants from the Circular DEQ-7 Required Reporting Value (RRV) to the *greater* of either the RRV or 50% of the lowest standard from Circular DEQ-7, as discussed in **Section V.D**.
- *Billable outfalls* – clarified how DEQ will handle multiple outfalls for fee and reporting requirements, including what constitutes a linear project. With this renewal, multiple outfalls for dewatering for subdivision projects are not presumed to be linear. See **Section V.E**.
- *Eligibility* – clarified well development eligibility. See **Section I.D.1**.

- *FACTS* – updated the submission process for the "Notice of Intent" (NOI-07) application to require the use of DEQ's Fees Applications and Compliance Tracking System (FACTS) interface once the NOI upgrades have been completed. See **Section I.E.1.a**.
- *MTNHP and SHPO* – an applicant with a new or modified dewatering request 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). See **Section I.E.1.d**.
- *Dewatering Control Plan* – applicants are now required to submit the site-specific Dewatering Control Plan with the NOI-07 package in addition to maintaining it on-site. See **Sections I.E.1.b**. & **V.B**

C. Description of Discharge / Permit Applicability

Construction dewatering is the action of pumping or actively removing water from a construction site and discharging the dewatering effluent to state surface water. The primary pollutants of concern are sediment and turbidity.

Any dewatering discharge that is land-applied so that it is infiltrated and evaporated, and won't reach state surface waters, does not require coverage under the MPDES program.

1. Summary of 2020-CDGP

For the period of record (POR) between the effective date of the 2020-CDGP and July 1, 2024, the Montana Department of Environmental Quality (DEQ) issued 248 CDGP authorizations. As of July 2024, there were 38 effective authorizations. Construction dewatering projects are generally temporary by nature. Based on review of the NetDMRs (electronic Discharge Monitoring Reports), the average dewatering duration were one month or less.

Review of the data for this period of record shows that 40% of permittees reported turbidity data. Of the 128 facility outfalls with turbidity data, the turbidity was reasonably low: the maximum monthly average turbidity ranged from 0 to 108 nephelometric turbidity unit (NTU), with the average at 15 NTU.

During this period, there were 11 exceedances in total. Three outfalls (2% of the outfalls with turbidity data) had maximum monthly average turbidity >100 NTU. Conversely, more than 85% of the NetDMR maximum monthly average turbidity dataset was <20 NTU.

2. Overview of Authorizations under the 2020-CDGP

For the past several permit cycles – until this renewal – dewatering discharges have been authorized under one of three main categories designed to protect receiving waterbodies to appropriate levels. (Note that facilities with more than one outfall may have had more than one category within their authorization.) The categorical distribution for the 2020-CDGP was:

- **Category A (Minimal Impact for Turbidity)**: 159 outfalls authorized with 150 total months of turbidity records reported in NetDMR over the POR. There were no exceedances of the monthly average limit of 100 NTU. One facility had an exceedance of the daily maximum turbidity limit of 100 NTU. The 95th percentile monthly avg was 62 NTU and the 95th percentile of the daily maximum was 87 NTU. Therefore, DEQ determined that permittees should be able to comply with the Category A effluent limits.
- **Category B (Discharge Turbidity Limited to Prevent Impact):** 107 outfalls authorized with 130 months of turbidity records reported in NetDMR over the POR. There were eight (8) exceedances of the monthly average limit of 10 NTU. The 95th percentile monthly avg was 17 NTU, which is over the limit, but the 90th percentile was 8 NTU. There were nine (9) exceedances of the daily maximum turbidity limit of 20 NTU. The 95th percentile of the daily maximum was 23 NTU, which is over the limit, but the 90th percentile was 17 NTU. Therefore, DEQ determined that, overall, dischargers should be able to comply with the Category B effluent limits.
- **Category C (Real Time Turbidity Demonstration):** 64 outfalls authorized with a total of 88 months of turbidity records reported in NetDMR for the POR. The 95th percentile monthly avg effluent turbidity was 54 NTU. There were no exceedances of the monthly average limit of 100

NTU, but there were three violations of the net exceedance limit (the discharge turbidity was greater than the upstream turbidity). Furthermore, there were at least 10 months with poor quality data, owing to reporting or arithmetic errors. Therefore, DEQ determined that permittees could comply with the Category C effluent limits, but that further review and quality assurance of the 'no increase over background' data are warranted in this permit cycle.

D. Eligibility

1. Allowed Operations/Discharges

The following are activities 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 (i.e. within the cone of depression of a contaminated area). The discharge from these well developments or well pump tests are required to maintain the concentration of all contaminants to below the thresholds specified in **Section V.D** of this Fact Sheet.
  - *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: small-diameter shallow wells which are connected via a header pipe. A pump creates a vacuum in the header pipe.
      - Deep Wells: larger-diameter holes, drilled relatively deep (typically greater than 10 feet), pumped by submersible pumps.

  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.

2. Prohibited Operations/Discharges

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; or
   - discharges that the Environmental Protection Agency (EPA) 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. An 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.

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.

f. DEQ may deny a CDGP request for discharge from dewatering activities that are at or near a hazardous waste or other type of remediation site. If the dewatering activity is proposed to be located near a known contamination area, or the permittee has reason to believe that the site or site's groundwater might be contaminated, they must demonstrate that pollutants from the waste site are, or can be controlled to, below acceptable ("threshold") levels in the dewatering effluent in accordance with this Fact Sheet **Section V.D**.

E. Application Process

1. Requirements for Authorization – 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:* The 2025 NOI-07 form has been updated, including nomenclature for the different dewatering categories and clarification for dewatering near contaminated sites. 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 for construction dewatering will be available on DEQ's webpage at https://deq.mt.gov/water/assistance or upon request by calling DEQ at (406) 444-5546.

b. *Dewatering Control Plan:* The initial Dewatering Control Plan must be submitted as part of the NOI-07 package. This is a change from past permits, which only required the applicant to maintain the plan on-site. The requirement to submit the Dewatering Control Plan will allow DEQ to be more involved in the applicants' up-front planning.

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 at https://sagegrouse.mt.gov/.

d. *MTNHP and SHPO:* As part of the NOI process, an applicant with a new or modified dewatering request 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:

- Montana National Heritage Program: https://mtnhp.org/
- 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

Annual fees for the first year are included with the application fee. After the first year, annual fees of $450 per billable outfall will be invoiced, in arrears, for an authorization open during any part of the previous calendar year (see ARM 17.30.201).

2. New Authorization Under the 2025-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 operation. 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. Once the deficient materials are addressed by the applicant, DEQ will issue an authorization letter.

As of [30 days after the **issuance** date of the 2025-CDGP], applicants are not allowed to discharge to state surface waters without a current authorization letter from DEQ.

3. Continuing Authorization Under the 2025-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 [30 days after the **issuance** date of the 2025-CDGP].

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. Once the deficient materials are addressed by the applicant, DEQ will issue an authorization letter.

Applicants are not allowed to discharge to state surface waters without a 2025-CDGP authorization letter from DEQ as of [60 days from the **issuance** date of the 2025-CDGP].

4. Terminating Authorization

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. **Transferring 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.

F. Other Agency Requirements

Authorization to discharge under this general permit does not eliminate a permittee's obligation to obtain other necessary permits. Specifically, this permit does not address:

- Storm water discharges associated with construction activities. Additional authorization under the *General Permit for Storm Water Discharges Associated with Construction Activity* is required if the disturbance exceeds one acre of total disturbance or is a part of a common plan of development that exceeds one acre.
- 318/401 turbidity permitting requirements for stream-related construction activities, other than the dewatering operations authorized by the CDGP (i.e., cofferdam or other in-stream construction dewatering operations).
- DEQ's Waste Management and Remediation Division requirements for dewatering within a contaminated site. If contaminants in the discharge are below the threshold dewatering can be authorized (see **Section V.D**); however, the applicant must be aware that there may be additional requirements for the dewatering activity from Superfund or other programs.

II. Receiving Waters and Applicable Standards

A. Applicable Standards

Water quality standards apply to all state waters, meaning a body of water, irrigation system, or drainage system either on the surface or underground. State surface waters include ephemeral and intermittent drainages, perennial rivers, isolated ponds, lakes and other water bodies. Discharges to state surface waters are subject to all applicable water quality standards, which may be numeric (Circular DEQ-7) and/or narrative (ARM 17.30 Subchapter 6) water quality standards designed to ensure beneficial uses are protected. For construction dewatering, the applicable water quality standards are:

- *Sediment and Turbidity:* Discharges into any state surface waters are not allowed to cause or contribute to an increase above naturally occurring concentrations of sediment or suspended sediment or settleable solids, which will or are likely to create a nuisance or render the water harmful, detrimental or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish or other wildlife.

  Turbidity standards are meant to protect the beneficial use of each waterbody. The specific turbidity standards for each waterbody classification (ARM 17.30 Subchapter 6) are:

  - A-Closed or A-1 – no increase above naturally occurring turbidity allowed.
  - B-1 and C-1 – allow an increase of 5 NTUs above naturally occurring turbidity.
  - B-2, B-3, C-2, or C-3 – allow an increase of 10 NTUs above naturally occurring turbidity.
  - Classification I – allow no detrimental increase in turbidity.
  - Ephemeral streams – ephemeral waterbodies are not subject to the specific water quality standards in ARM 17.30.620 through ARM 17.30.629.

- *Oil and Grease*: Discharges into any state surface waters are not allowed to cause or contribute to an increase of oils or floating solids, which will or are likely to create a nuisance or render the water harmful, detrimental or injurious to public health, recreation, safety, welfare, livestock, wild animals, birds, fish or other wildlife.

  Surface waters must be free from substances attributable to discharges that will create floating debris, scum, a visible oil film, or globules of grease or other floating materials or be present in concentrations at or in excess of 10 milligrams per liter (mg/L).
- *Other pollutants*: Other pollutants of concern associated with construction dewatering could include coagulants/flocculants when needed to control suspended solids, and metals and various organic compounds (*e.g*. benzene) in contaminated areas. Although some of these pollutants can occur naturally in ground water, they may be present in areas of contamination at concentrations that exceed the applicable water quality standards in Circular DEQ-7 and ARM 17.30 Subchapter 6.

B. Pollutants of Concern

Pollutants of Concern for construction dewatering are identified below:

- *Sediment and Turbidity:* The sediment concentrations and turbidity in construction dewatering effluent can vary greatly depending upon project-specific details such as soil type, topography, type and extent of construction activity, implementation of best management practices, and location of construction activity relevant to state surface waters. High levels of these pollutants can have direct and indirect negative effects on fish and other aquatic life.
- *Oil and grease:* There could be a discharge of petroleum products if construction equipment at the site is leaking or there is spillage of fuel, hydraulic fluid, or other petroleum-based materials.
- *Coagulants/Flocculants:* In rare cases, it may not be technically feasible to treat dewatering effluent sufficiently to meet turbidity limits without the use of coagulant/flocculants. Applicants must include information on the type and method of coagulant/flocculant use and receive approval in the authorization letter.
- *Contaminants:* Construction dewatering discharges authorized under the CDGP are not allowed to contain process wastewater, contamination, or any pollutants other than those pollutants regulated through the 2025-CDGP. DEQ has identified benchmark thresholds which will ensure dewatering activities do not cause or contribute to an exceedance of a water quality standard. **Dewatering in areas potentially impacted by contamination under this CDGP is only allowed if the concentration in the discharge is below the thresholds specified in Section V.D of this Fact Sheet.**

C. Mixing Zone

A "mixing zone" is a limited area of a surface water body, where initial dilution of a discharge takes place and where certain water quality standards may be exceeded (ARM 17.30 Subchapter 5). A standard mixing zone's defined length is 10 stream widths downstream of the discharge from the dewatering activity. The stream width is the distance from one side of the wetted active stream channel to the other at low flow. Water quality standards must not be exceeded outside of the mixing zone.

III. Effluent Limits

There are two types of effluent limits that control the discharge of pollutants: technology-based effluent limits (TBELs) that specify the minimum level of treatment or control that is technically achievable; and water quality-based effluent limits (WQBELs) that attain and maintain applicable numeric and narrative water quality standards when TBELs are not sufficient.

A. Technology-Based Effluent Limits

TBELs are based on implementing available treatment technologies to reduce pollutants (ARM 17.30 Subchapter 12). TBELs may be national technology standards established by EPA or, where EPA has not

established an applicable Effluent Limit Guideline (ELG), the permit writer is required to establish technology-based treatment requirements on a case-by-case basis using Best Professional Judgement (BPJ).

1. **Effluent Limitation Guidelines:**

   EPA has not adopted an ELG for construction dewatering.

2. **Best Professional Judgement:**

   DEQ used BPJ to develop (a) Best Management Practices, in the form of a Dewatering Control Plan, as a non-numeric effluent limit, and (b) 100 NTU monthly average turbidity as a numeric limit based on technical achievability.

   a. *Dewatering Control Plan*:

   Non-numeric effluent limits are practice-based effluent limits which require implementation of control measures through Best Management Practices (BMPs). A BMP is an enforceable condition of the permit developed to protect water quality.

   EPA promulgated stormwater Construction and Development Effluent Guidelines (40 CFR Part 450) in 2009 and amended the regulations in 2014 and 2015. The regulations cover stormwater discharges from construction sites and include the following requirement for dewatering:

   > "Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by *appropriate controls*."

   DEQ finds that "appropriate control" technologies will vary site-by-site, because dewatering discharge activities and site conditions are variable. Therefore, the CDGP includes the requirement for applicants to develop and implement site-specific BMPs as part of a Dewatering Control Plan, and submit it with the NOI-07 package (see **Section V.B**).

   b. Turbidity Limits:

   DEQ's 2015- and 2020-CDGPs recognized an average monthly limit of 100 NTU as the minimum level of turbidity control required for all of the dewatering categories. This TBEL will remain with this permit renewal.

   Review of the NetDMR data from the 248 facilities authorized under the 2020-CDGP (through July 2024) shows that facilities are capable of controlling turbidity to this limit:

   - Of the 128 facility outfalls with turbidity data, the average turbidity was 15 NTU.
   - 85% of the reported outfalls had turbidity <20 NTU maximum monthly average.
   - Three outfalls had a maximum average monthly turbidity greater than 100 NTU, which is 2% of the outfalls with turbidity reported on NetDMRs.
   - There were seven outfalls at four facilities with a maximum daily turbidity greater than 100 NTU, which is 5% of the reported outfalls.

   In conclusion, DEQ has maintained the 100 NTU average monthly limit as a TBEL because it is an appropriate level of control that the majority of facilities are capable of achieving.

B. Water Quality-Based Effluent Limits

When TBELs are not sufficient, permits are required to include WQBELs that achieve water quality standards. As discussed above in **Section II.B**, pollutants potentially present in construction dewatering discharges include TSS, sediment, and suspended solids represented by turbidity; oil and grease and other petroleum products such as gasoline; coagulants/ flocculants (if used); and potentially pollutants from contaminated sites.

Based on the potential pollutants, DEQ has determined that applicants requesting coverage under the 2025-issued CDGP must meet the following WQBELs:

1. **<u>Turbidity:</u>**

   Beginning with the 2015-issued CDGP, owners/operators have been required to select a turbidity category for their discharge, based on providing the appropriate protection for the immediate receiving

waterbody (whether named or not) as well as nearby downstream waterbodies. The 2025-issued CDGP will continue this practice, with upgrades including nomenclature and methods to handle the infrequent discharges to waterbodies classified as A-Closed or A-1 (ARM 17.30.621 or .622) or waterbodies listed as impaired on the 303(d) list for turbidity or suspended solids. The following provides the updated descriptions of the receiving waterbody categories:

A. Minimal Impact

The turbidity limits for discharges under this category, after all control, are 100 NTU daily maximum and 100 NTU monthly average. The reasons specific types of waterbodies are grouped under "Minimal Impact" varies, but 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. Ephemeral waterbodies are exempted from the specific water quality standards in ARM 17.30.620-629 but protected under the narrative requirements.
- **Constructed storm sewer systems** – drainage systems 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 Section IV.A. herein.
- **Large rivers** – Direct discharge to one of eight large rivers: Big Horn, Clark Fork, Flathead, Kootenai, Madison, Missouri, South Fork Flathead, or Yellowstone River.

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

➢ **A-Category Exceptions**

This subcategory provides coverage for A-Category discharges that may have turbid ambient waters, making compliance with the 100 NTU limits difficult. The two exceptions are:

- **Impaired Waters** – on the 303(d) list for turbidity or sentiment. 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.

The average monthly turbidity limit for the A-Category Exceptions is capped at the most stringent of 100 NTU or no increase above background. The maximum daily turbidity limit is no increase above background. The permittee will be required to monitor both upstream of the discharge (if the initial receiving waterbody has any flow) and the discharge turbidity after all treatment, to demonstrate the 'no increase above background.' If there is no ambient flow, then the permittee shall only monitor the discharge and will be limited to 100 NTU.

B. **Increased Risk of Impact**

This category is more restrictive, to ensure protection of potentially sensitive receiving waters. Turbidity limits for discharges to these more sensitive waterbodies, at the outfall after all control, are 10 NTU average monthly and 20 NTU maximum daily. 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.

The monthly average turbidity limit for the B-Category exceptions is capped at the most stringent of 10 NTU or no increase above background. The maximum daily turbidity limit is no change from background. The permittee will be required to monitor both upstream of the discharge (if the initial receiving waterbody has any flow) and the discharge turbidity after all treatment, to demonstrate the 'no increase above background.' If there is no ambient flow, then the permittee shall only monitor the discharge and will be limited to the B-Category limits.

2. **Oil and Grease**: No visible oil film (or be present in concentrations at or in excess of 10 milligrams per liter) is allowed on the receiving stream.
3. **Coagulant/ flocculant:** No chemicals other than approved coagulant/flocculant may be added to the dewatering effluent. The permittee is required to use such coagulant/ flocculant in accordance with manufacturer's specifications. The permittee must provide the requested information to use such chemical(s) and it must be specified in the Authorization Letter.

C. Effluent Limits

1. Turbidity

Beginning on [**the effective date of the 2025-CDGP**] and lasting through the duration of this General Permit, the discharge for all outfalls must meet the applicable limits provided in **Table 1**:

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: ▪ Ephemeral waterbodies ▪ Constructed storm sewer systems ▪ Dry intermittent waterbodies (no ambient water present [(1)]) ▪ Large Rivers: Big Horn, Clark Fork, Flathead, Kootenai, Madison, Missouri, South Fork Flathead, or Yellowstone	100	100
➢ **A-Category Exceptions for Turbid Water** ▪ Waterbodies listed as impaired on the 303(d) list for turbidity or sediment. ▪ Discharge will occur/may occur during periods with turbid receiving water that is naturally greater than 100 NTU	(2)	100 (2)
B. Increased Risk of Impact: ▪ Perennial rivers and lakes ▪ Intermittent waterbodies ▪ Wetlands	20	10
➢ **B-Category Exception for Clean Water** ▪ Waterbodies classified as A-Closed or A-1	(3)	10 (3)

Footnote:

(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, **Section III.C.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 **Section V.C** of this Fact Sheet, 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.

D. Nondegradation

Any activity that is nonsignificant because of its low potential for harm to human health or the environment and its conformance with the guidance found in 75-5-301(5)(c), MCA is not subject to the provisions of Montana's Nondegradation Policy. DEQ has determined that discharge from construction dewatering operations will result in nonsignificant changes in water quality because:

- Construction Dewatering activities are generally short-term (less than one month).
- There is low potential for harm to human health or the environment when operating in conformance with the 2025-CDGP.
- The quantity and strength of the pollutant (turbidity and suspended sediment) is low and controlled by the permit limits set forth in the 2025-CDGP and authorization letter, along with the permittee's duty to comply with the standards and conditions of the 2025-CDGP.
- Best management practices prevent turbidity and suspended sediment generated from construction dewatering from being persistent in the environment.

By maintaining BMPs and operating within the turbidity limits, these short-term authorizations are protective of the beneficial uses of the receiving water.

IV. Monitoring and Reporting Requirements

The permittee is responsible for conducting the following monitoring, recordkeeping, and reporting beginning the effective date, and ending the date of termination:

A. Monitoring and Reporting

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. Samples must be taken at times representative of the site's construction activity and the nature of the discharge. 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 the analysis must meet any RRVs listed in Circular DEQ-7 unless otherwise specified. Grab samples of the discharge must be either sent to a laboratory for turbidity analysis or there must be access to a turbidity meter. By certifying the NOI-07 package is complete, the applicant is certifying that there is a turbidity meter or testing laboratory available to monitor the discharge turbidity.

1. **Turbidity**. Turbidity sample analysis requirements are described below, as well as at any time the daily visual check indicates the turbidity is elevated. Turbidity grab samples of the discharge must be taken for

analysis within the first four (4) hours of discharge, and as described in the applicable table thereafter. If the discharge is to one of the receiving waterbody exceptions (A-Category or the B-Category Exceptions 'no increase over background') then an upstream grab sample must be taken at the same time.

Grab samples of the discharge must be either sent to a laboratory for turbidity analysis or there must be access to a turbidity meter. Applicants must indicate the intended method of turbidity analysis in their NOI but may change the analysis method without modifying their authorization.

The specific monitoring requirements for each outfall will depend on the type of receiving water that was selected from **Table 1**, which 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 Exception

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 **Section V.C** of this Fact Sheet.
3) Turbidity grab samples of the discharge must be taken for analysis 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 **Section V.C** of this Fact Sheet 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 **Section V.C** of this Fact Sheet.
3) Turbidity grab samples of the ambient (upstream) condition and the discharge must be taken for analysis 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 under 40 CFR 136, cease discharge until the oil and grease is eliminated, and take corrective action as specified under the Special Conditions **Section V.C** of this Fact Sheet.

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:

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 **Section V.C** of this Fact Sheet.
3) Turbidity grab samples of the discharge must be taken for analysis 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.
4) 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 under 40 CFR 136, cease discharge until the oil and grease is eliminated, and take corrective action as specified under the Special Conditions **Section V.C** of this Fact Sheet.

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:

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 **Section V.C** of this Fact Sheet.
3. Turbidity grab samples of the ambient (upstream) condition and the discharge must be taken for analysis 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.
4. 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.
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 **Section V.C** of this Fact Sheet.

B. Record Keeping

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.

V. Special Conditions

Special conditions in MPDES permits supplement effluent limits and monitoring requirements and require activities designed to reduce the potential for discharge of pollutants. Special conditions also serve the purpose of collecting information that could be used to determine future permit requirements.

A. 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 #1 of the permit. 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.

B. 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:

- Evaluation, installation, and maintenance of BMPs, including but not limited to the following potentially applicable practices:
  - Run-on prevention and/or ground water exclusion methods;
  - Erosion control to prevent surface water/storm water 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;
  - Dewatering pump process treatment (i.e., filtering sump, wrapping submersible pump in filter fabric);
  - Sediment control for dewatering discharge (i.e. constructed settling pond, dewatering bags, fiber rolls, vegetated buffers, etc); and
  - Proper use of anionic flocculants and coagulants, if needed (including maintaining MSDS and following manufacturers' recommendations).
- Measures taken to prevent first flush/initial purge discharges from entering state surface waters.
- Measures taken to prevent spilled or leaking fuels and lubricants from entering the watercourse.
- Measures taken to minimize erosion from the discharge flow dissipation devices such as riprap, 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.
- Discharge monitoring procedures for the site to ensure that monitoring is effective and covers 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.
- 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.

- Corrective action protocol.

C. 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 and/or 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 monitoring log and update the Dewatering Plan.
- Include a report with the next DMR submittal.

D. Potential Contamination. Applicants must determine whether the proposed dewatering activity may be in or near an area of contamination as part of their NOI submittal. Dewatering within such an area is assumed to transfer contaminants into the effluent 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). DEQ changed the threshold from the 2020-CDGP's 'greater than the RRV' in this permit renewal for two reasons:

  (1) Using the RRV as a threshold was unnecessarily stringent in many cases. For instance, laboratories should be capable of detecting xylenes at 3 µg/L (RRV) but the lowest water quality standard is 10,000 µg/L. Allowing discharges no more than half of the lowest standard will ensure that these short-term dewatering activities do not cause or contribute to an exceedance of a standard.

  (2) In a few instances, the RRV is greater than the lowest standard and the threshold as proposed acknowledges analytical constraints.

  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.
  - The permittee cannot resume discharging dewatering effluent into state surface waters until DEQ issues a written authorization.
  - 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.

E. 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 (**Section III.C 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.

1. 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:* Big Horn River (Yellowtail Dam to mouth), Clark Fork River (Bitterroot River to state line), Flathead River, Kootenai River (Libby Dam to state line), Madison River (Ennis Lake to Mouth), Missouri River, South Fork Flathead (Hungry Horse Dam to mouth), or Yellowstone River.
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.

2. 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.**

VI. Total Maximum Daily Load (TMDL)

The 2025-CDGP includes requirements for sediment control, located within watersheds that are impaired for sediment or turbidity on the 303(d) list. These requirements ensure that dewatering activities are controlled to minimize discharge of sediment to the receiving waterbodies. Therefore, the CDGP, when properly implemented, is consistent with the assumptions and requirements of existing sediment TMDLs and anticipated assumptions and requirements of future TMDLs.

VII. Procedures for Reaching a Final Decision on the Draft Permit

A. Public Notice and Comment Period – Documents

1. The following documents will be public noticed for a period of 30 days beginning January 13, 2025, and ending at 11:59 PM on February 13, 2025:
   - The draft General Permit for Construction Dewatering, Permit No. MTG070000
   - The Fact Sheet; and
   - The draft Environmental Assessment
2. During the public notice period described above, comments on the documents will be received at the following postal address:

   Department of Environmental Quality
   Water Protection Bureau
   P.O. Box 200901
   Helena, Montana 59620-0901
3. Comments may be emailed to DEQ at DEQWPBPublicComments@mt.gov. All comments must be received by DEQ by at 11:59 PM on February 13, 2025.

A. Public Notice of Hearings to be Held

DEQ will hold a Public Hearing at 2 PM on February 13, 2025, in Room 111 at DEQ offices in the Metcalf Building in Helena, Montana.

B. Conditions Requested by Government Agencies

If during the comment period the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, or any other state or federal agency with jurisdiction over fish, wildlife, or public health advises DEQ in writing that the imposition of specified conditions upon the 2025-CDGP is necessary to avoid substantial impairment of fish, or wildlife resources, DEQ may include the specified conditions in the permit to the extent they are determined necessary to carry out the provisions of the Montana Water Quality Act.

C. Response to Public Comments

After the public comment period and public hearing, DEQ will make a final permit decision. At the time that the final permit decision is issued, DEQ will issue a response to comments received during the public comment period and the public hearings. The response will specify which provisions, if any, of the draft permit and other publicly noticed materials have been changed, and the reasons for the change(s). The response to comments will also briefly describe and respond to all significant comments raised during the public comment period and hearings.

D. For Additional Information

For additional information concerning the 2025-CDGP, or the information, documents, and procedures discussed in this Fact Sheet, please contact the Water Protection Bureau at (406) 444-5546.

VIII. Information Sources

Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. §§ 1251-1387, October 18, 1972, as amended 1973-1983, 1987, 1988, 1990-1992, 1994, 1995 and 1996

Montana Code Annotated (MCA), Title 75-5-101, *et seq*., "Montana Water Quality Act,".

Administrative Rules of Montana Title 17 Chapter 30 - Water Quality

Subchapter 2 - *Water Quality Permit and Application Fees.*

Subchapter 5 - *Mixing Zones in Surface and Ground Water*.

Subchapter 6 - *Montana Surface Water Quality Standards and Procedures*.

Subchapter 7- *Nondegradation of Water Quality.*

Subchapter 12 - *MPDES Standards.*

Subchapter 13 - *MPDES Permits*.

US EPA NPDES *Permit Writers' Manual*, EPA 833-B-96-003, September 2010.

Prepared by Christine Weaver, January 2025
Reviewed by Alanna Shaw, January 2025