

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Water Quality Division

Montana Pollutant Discharge Elimination System (MPDES)

2022 Major Modification Fact Sheet

Permittee: Montana Pollutant Discharge Elimination System
General Permit for Storm Water Discharges Associated with
Small Municipal Separate Storm Sewer Systems

Permit No.: MTR040000

1 BACKGROUND

The Department of Environmental Quality (DEQ) proposes to modify the Montana Pollutant Discharge Elimination System (MPDES) General Permit for Storm Water Dischargers Associated with Small Municipal Separate Storm Sewer Systems (MS4), MTR040000. This fact sheet documents the legal requirements and technical rationale that serve the decision-making process involved with the major modification to the MS4 General Permit.

1.1 Permit Information

The MS4 General Permit was issued February 14, 2022, became effective April 1, 2022, and expires March 31, 2027.

2 MAJOR MODIFICATION

The scope of the major modification is limited to clarification of similar wording in different subparts of Part II(A)(2): Illicit Discharge Detection and Elimination. As currently written, the permit uses “occasional incidental discharge” in Part II(A)(2)(a)(ii) and “occasional incidental non-storm water discharge event” in Part II(A)(2)(d)(ii). The use of similar wording in separate subparts of the Illicit Discharge Detection and Elimination part has led to some misinterpretation of requirements. To eliminate further confusion, DEQ proposes to strike the wording in Part II(A)(2)(a)(ii) and clarify the wording in Part II(A)(2)(d)(ii) as follows (strikethroughs = deletions, underlines = additions):

Part II(A)(2)(a)(ii):

In the SWMP, document and update annually:

- A list of potential non-storm water discharges the permittee has identified as significant contributors of pollutants (i.e., illicit discharges). Include the pollutants associated with each illicit discharge, and any local controls or conditions placed on these discharges.
- A list of potential non-storm water discharges the permittee has determined as non-significant contributors of pollutants (~~i.e., occasional incidental discharges~~) and will not be addressed as illicit discharges, based on the information available to the permittee. Include the pollutants associated with each type of discharge and any local controls or conditions placed on these discharges.

Part II(A)(2)(d)(ii):

Permittees with legal authority must adopt an ordinance or other regulatory mechanism to prohibit illicit discharges, which shall include a provision prohibiting any occasional incidental non-storm water discharge event that is determined to be contributing significant amounts of pollutants to the Small MS4. Review the ordinance or regulatory mechanism once per permit cycle and update as needed.

Permittees without legal authority to enact an ordinance or other regulatory mechanism to prohibit illicit discharges must develop and implement written policies and procedures to exert authority (to the extent allowable) over MS4 users, such as employees, the traveling public, contractors, etc... Review these written policies and procedures once per permit cycle and update as needed.

3 PUBLIC PARTICIPATION

In accordance with ARM 17.30.1372, DEQ issued Public Notice No. **MT-22-11**, dated May 31, 2022. The public notice states that a tentative decision has been made to issue an MPDES major modification for the MS4 permit, MTR040000, and that a draft permit, fact sheet and environmental assessment (EA) have been prepared. Public comments are invited any time prior to the close of the business **July 1, 2022**.

Comments may be directed to:

DEQ Water Quality Division
Water Protection Bureau
PO Box 200901
Helena, MT 59620

or DEQWPBPublicComments@mt.gov

All comments received or postmarked prior to the close of the public comment period will be considered in the formulation of the final permit. DEQ will respond to all substantive comments and issue a final decision within sixty days of the close of the public comment period, or as soon as possible thereafter.

All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that DEQ's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, shall raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing).

3.1 Notification of Interested Parties

Copies of the public notice were mailed to the Permittees, state and federal agencies and interested persons who have expressed in interest in being notified of permit actions. A copy of the distribution list is available in the administrative record for this permit. In addition to mailing the public notice, a copy of the notice and applicable draft permit, fact sheet and EA were posted on the DEQ website for 30 days.

Any person interested in being placed on the mailing list for information regarding this MPDES Permit should contact DEQ, reference this Facility, and provide a name, address, and phone number.

3.2 Public Hearing Written Comments

During the public comment period provided by the notice, DEQ will accept requests for a public hearing. A request for a public hearing must be in writing and must state the nature of the issue proposed to be raised in the hearing.

3.3 Additional Information

Requests for additional information or questions regarding this permit should be directed to the Water Protection Bureau at (406) 444-5546.