



Water Quality Division
Montana Pollutant Discharge Elimination System (MPDES) ▪ Fact Sheet
Multi-Sector General Permit
for Storm Water Discharges Associated with Industrial Activity

I. Permit Status

Montana Pollutant Discharge Elimination System (MPDES) permit MTR000000 is a reissued Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (MSGP) for a five-year permit cycle. The proposed reissuance is the seventh iteration of the MSGP.

The current permit became effective February 1, 2018 and expires on January 31, 2023.

II. Summary of Proposed Changes

A. Streamlining the permit

DEQ streamlined and simplified language throughout the permit to present the requirements in a more clear and readable manner.

In Part 1, DEQ broke out the previous permit's section Part 1.1.4 Limitations on Coverage into three new subsections, containing the same information (Part 1.1.4 Prohibited Discharges, Part 1.1.5 Coverage under Other MPDES Permits, and Part 1.1.6 Limitations on Coverage).

DEQ restructured a good portion of Part 2 of the permit. The Inspection Program section went from Part 2.6 in the previous permit to Part 2.4 in this permit. Following that, we created a new section called Part 2.5 Monitoring Procedures which contains information on how to monitor that was scattered through Parts 2.4 and 2.8 of the previous permit. We included the definition of "outfall" in Part 2.5.1 Monitored Outfalls in effort to make this concept more accessible. We created Part 2.6 Required Monitoring to introduce the applicability, schedule, and evaluation of the various monitoring types. This new structure should enhance understanding of and compliance with the permit's requirements and outline these requirements in a more sequential way.

DEQ removed redundant cross-references, including in headings and sections (e.g., the previous permit's Parts 2.5 and 2.7). Cross references are now hyperlinked to the section cited. The table of contents is also hyperlinked.

B. Public Sign of Permit Coverage

The 2023 MSGP includes a new requirement that MSGP operators must post a sign of permit coverage (except in the instance where other laws or local ordinances prohibit such signage) at a safe, publicly accessible location in close proximity to the facility. This notice must: be a large and readable size; be visible from the nearest road; include MPDES authorization number and the permittee name; include the statement "Request permit information from Montana DEQ Enforcement Division at (406) 444-0379";

and include the statement “Visit DEQ’s website at deq.mt.gov to file a complaint or report pollution.” See MSGP Part 1.3.

C. Updating Benchmark Threshold Values

DEQ modified the benchmark monitoring threshold values in the 2023 MSGP for aluminum, copper, and cadmium based on revised current CWA section 304(a) national recommended aquatic life water quality criteria. DEQ suspended the benchmark monitoring thresholds for magnesium and iron based on lack of documented acute toxicity. See Part 3.4.

D. Indicator Monitoring for pH, TSS, and COD

The 2023 MSGP includes a new provision that requires certain operators to conduct indicator analytical monitoring for three parameters - pH, Total Suspended Solids (TSS), and Chemical Oxygen Demand (COD) - quarterly for the duration of the permit. This requirement applies to all operators in the following subsectors that do not have sector-specific benchmark monitoring requirements in the 2023 MSGP: B2, C5, D2, E3, F5, I1, J3, L2, N2, O1, P1, R1, T1, U3, V1, W1, X1, Y2, Z1, AB, AC, and AD.

Indicator monitoring is “report-only” and does not have a threshold or baseline value for comparison nor does it require follow-up actions under this permit. The requirement in Part 2.3.1 to meet applicable water quality standards still applies. These three parameters will provide operators and DEQ with a baseline and comparable understanding of industrial stormwater discharge quality, broader water quality problems, and stormwater control measure effectiveness at these facilities. See Part 2.6.1.

III. Background

“Storm water discharge associated with industrial activity” is a discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. “Storm water discharge associated with mining and oil and gas activity” means the same as the definition for “storm water discharges associated with industrial activity” except that the term pertains only to discharges from facilities classified as standard industrial classifications 10 through 14 (mineral industry) that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts, or waste products located on the site of such operations. These are abbreviated definitions. “Storm water” is more clearly defined as storm water runoff, snow melt runoff, and surface runoff and drainage. The proposed reissuance is the seventh generation of MSGP, and the Department reaffirms that it is an effective and efficient permitting mechanism for storm water discharges associated with industrial activities.

The MSGP requires the “owner or operator” of the industrial activities to obtain authorization. An owner or operator, also identified as a “permittee”, acknowledges eligibility for coverage under the MSGP and agrees to comply with the effluent limits and conditions in it. The permittee will submit a complete application package before the Department authorizes the facility under the MSGP.

The Department will provide an opportunity for public comment on the MSGP that adheres to the requirements regarding public comments and public hearings.

IV. General Permit Authorization

This 2023 MSGP renewal authorizes storm water discharges associated with industrial activity within the state of Montana, excluding Indian Reservations. Facilities and activities meeting the following criteria are eligible for coverage:

- Storm water discharges associated with industrial, mining, or oil and gas activity for any primary industrial activity as listed in General Permit Part 3.4.
- Industrial activities listed in General Permit Part 3.4 that are also subject to federal effluent limitation guidelines for the discharge of storm water may receive coverage under this permit only for those areas not covered by federal effluent guidelines.
- Discharges designated by the Department as needing a storm water permit and assigned to Sector AD.
- Discharges that are not otherwise required to obtain MPDES permit authorization but are commingled with discharges that are regulated under this permit.

An “owner or operator” of industrial activities meeting these criteria are required to apply for, and obtain, authorization for the discharge of storm water into state waters under the MSGP or an individual MPDES permit.

A. Authorizations Options Under this Permit

1. New Authorizations

Owners or operators can obtain first-time coverage under the MSGP by submitting a complete application package to the Department.

The complete application package for first-time coverage consists of:

- A Notice of Intent form, including all required attachments, using the NOI-SWI form provided by the Department.
 - “New” should be selected in Section A.
 - For sources, permittees must evaluate the impacts that their facility will have on ecological resources and cultural heritage sites using the Montana National Heritage Program and the Montana State Historic Preservation Office, respectively.
- A SWPPP, including all associated maps, diagrams, details, and plans. The SWPPP must have all the general requirements identified in Part 3.1 and any additional requirements for the permittee’s industrial sector/subsector identified in Part 3.4.
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable).
- The new permit application fee corresponding to facility size.
- The NOI-SWI form must be signed by an authorized signatory (Part 4.18.1.1).

For new authorizations, the permittee must be implementing the control measures and effluent limits upon submittal of the application package.

2. Continuing Authorization Under the 2018 MSGP

Permittees that require continued authorization beyond the 2018-2023 MSGP must submit a complete renewal application package to the Department to be covered under the reissued 2023-2028 general permit. The permittee must submit a complete renewal application package no later than 30 days after the effective date of the 2023 MSGP.

The renewal application package must consist of:

- A NOI-SWI form, including all required attachments.
 - “Renewal” should be selected in Section A.
- A SWPPP, including all associated maps, diagrams, details, plans, and records. The SWPPP must have all the general requirements identified in Part 3.1 and any additional requirements for the permittee’s industrial sector/subsector identified in Part 3.4.

- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable).
- The renewal application fee corresponding to facility size.
- The NOI-SWI form must be signed by an authorized signatory (Part 4.18.1.1).

B. Permitting Actions after Authorization

The MSGP outlines the requirements, the processes involved, and the required documentation for a permittee to request modifications, permit transfers, and termination of permit coverage. These permitting options have been clarified to streamline requests with the reissuance of the MSGP.

C. Additional Requirements for Authorization

1. Sage Grouse

Prior to submission of an application package, the applicant for coverage under the 2023 MSGP will determine if the proposed industrial activities are located within designated sage grouse habitat (core, general, and or connectivity). The Montana Sage Grouse Habitat Conservation Program (Program) will potentially provide recommendations that are protective of sage grouse populations through a consultation process for projects (i.e., industrial activities as related to the MSGP) based on initially the location of a project and subsequently, the purpose of the proposed industrial facility or operation. Any recommendations and mitigations determined by the Program are provided in a consultation letter.

2. Ineligibility for Coverage

The Department may determine that an owner or operator does not qualify for coverage under the renewed 2023 Multi-Sector General Permit for Storm Water Discharges associated with Industrial Activity, including, but not limited to, one or more of the following reasons:

- Storm water discharges that are mixed with non-storm water, other than those non-storm water discharges listed within the permit.
- Prohibited discharges as listed within the permit.
- Storm water discharges to impaired waterbodies that are inconsistent with approved TMDLs and assigned WLAs, and the additional requirements with this permit.
- Storm water discharges to waterbodies that are inconsistent with additional Department requirements on a case-by-case basis.
- Discharges which the Department determines have a reasonable potential to cause, or contribute to, an exceedance of any applicable water quality standard, and the Department has determined authorization under a MPDES Individual Permit is required.
- Storm water discharges subject to federal effluent limitation guidelines under 40 CFR, Subchapter N, are not eligible for coverage under this permit the discharge of storm water.

The Department may deny coverage for storm water discharges citing that the permittee appears unable to comply with the one or more of the following requirements:

- Effluent standards, effluent limitations, standards of performance for new sources of pollutants, toxic effluent standards and prohibitions, and pretreatment standards.
- Water quality standards.
- Prohibition of discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste.
- Prohibition of any discharges to which EPA has objected in writing.
- Prohibition of any discharge which is in conflict with a plan or amendment thereto approved pursuant to the Toxic Substances Control Act.

- Any additional requirements that the Department determines are necessary to carry out the provisions of the Montana WQA.

In addition, DEQ may deny coverage for the following reasons:

- The storm water discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in this MPDES General Permit (including pollutants from process wastewater streams).
- The MPDES permit authorization for the same operation has previously been denied or revoked.
- The discharge sought to be authorized under the 2017 General Permit is also included within an application or is subject to review under the Major Facility Siting Act.
- The point source is, or 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, and local conditions at proposed discharge sites.

Coverage does not relieve the permittee from any other statute, regulation, permits, or other regulatory requirements for activities occurring within their area and not associated with permitted storm water discharges associated with industrial activities.

If a discharge is subject to MPDES permitting under a different MPDES permit and the proper MPDES authorization for these discharges has been obtained, then storm water authorized under the MSGP may be mixed with the other authorized discharge(s) provided that the mixed discharge is in compliance with all pertinent permit requirements.

3. Conditional Exclusion for No Exposure

No exposure means all industrial materials and activities are protected by a storm-resistant shelter to prevent exposure to rain, snow, snowmelt, and / or runoff. Submittal of an Industrial No Exposure Certification Form is an optional alternative to obtaining permit coverage for discharges of storm water associated with industrial activity. If the facility submits a No Exposure Certification Form and the associated fee, the industrial activity is not excluded until approval by the Department and the Department issues a certification letter.

V. Description of Storm Water Discharges

Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage. Storm water runoff picks up and transports pollutants then discharges them, untreated, to waterways. Storm water discharges associated with industrial activity can be a source of water pollution. In general, storm water runoff from industrial facilities may carry higher than normal annual loadings of total suspended solids (TSS), chemical oxygen demand (COD), metals, oil & grease, nutrients, and other organic chemicals/compounds. Pollutant concentrations may vary considerably with respect to industrial activity type, storm events, and location. For mining activity sites, TSS is of most concern, as well as metals. If uncontrolled, storm water discharges associated with industrial activities can result in degradation of aquatic habitat and water quality. In addition, non-storm water discharges can occur from industrial activities such as potable water sources; fuels, oils, or other substances used in vehicle and equipment operation and maintenance; and process wastewater discharges. The General Permit provides a list of allowable non-storm water discharges. Commingled storm water discharges of toxic or hazardous substances from a spill or other release impact plants, fish, animals, and people. These potential storm water and non-storm water discharges are general descriptions of typical industrial activity related discharges and are not intended to be representative of any facility or operation specifically.

VI. Receiving Waters and Applicable Standards

A. Nondegradation

The industrial activities covered by the MSGP have been determined to be nonsignificant based on 75-5-303(3)(d) MCA, and 75-5-317(u) MCA. The General Permit stipulates that control measures, BMPs, and the SWPPP will be implemented prior to the commencement of regulated activities covered under the MSGP. The General Permit also includes provisions for the ongoing inspection, evaluation, and any required corrective action of control measures and BMPs to eliminate or minimize pollutants contained in storm water runoff including industrial sector specific controls and benchmark/indicator monitoring. The renewed General Permit will continue to protect water quality from pollutants generated from industrial activities and conveyed through storm water. The Department has determined that compliance with the terms of the MSGP authorizations will ensure that these industrial facilities and operations are not significant as defined under ARM 17.30.715(3), and these authorizations are protective of the beneficial uses of the receiving water.

If the “owner or operator” provides information that indicates the proposed storm water discharge will not meet conditions of Montana’s Nondegradation Policy, the Department will require the “owner or operator” to amend the control measures, BMPs, and SWPPP in order to comply with Montana’s Nondegradation Policy and rules, or that MPDES permit coverage is necessary under an Individual MPDES Permit.

B. Mixing Zones

The Department is not authorizing mixing zones with this renewal because of the development and implementation of technology-based controls required by the MSGP, the intermittent nature of storm water discharges, and the corrective action requirements for a storm water discharge that causes or contributes to an exceedance of applicable water quality standards (or the Department may require the permittee to obtain coverage under an individual permit if the discharge is not controlled to meet water quality standards). This determination is consistent with all previously issued MPDES Multi-Sector General Permits for Storm Water Discharges Associated with Industrial Activity.

C. Impaired Waterbodies

Where a Total Maximum Daily Load (TMDL) has been approved, MPDES permits must contain effluent limits and conditions consistent with the requirements and assumptions of the wasteload allocations (WLAs) in the TMDL. For the renewed 2023 General Permit, the Department has ensured that the Water Quality-Based Effluent Limit permit section requires the permittee to identify if potential storm water discharges from their industrial facility or operation will discharge to impaired waterbodies and the SWPPP must include a section that describes BMPs that target and reduce discharges of the identified pollutants of impairment to impaired waterbodies without an approved TMDL or with approved TMDLs and assigned WLAs. The Department clarified specific requirements for permittees to address various situations of potential discharges to impaired waterbodies. The Department clarified that discharges of the pollutants of concern to impaired waterbodies are eligible for coverage under the MSGP if they are consistent with approved TMDLs and assigned WLAs, or the discharges do not cause or contribute to a violation of the corresponding water quality criteria.

VII. Proposed Effluent Limits

The control of pollutants is established through effluent limits and other requirements in an MPDES permit. Two types of effluent limits are required in the 2023 Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity including: technology-based effluent limits

(TBELs) that specify the minimum level of treatment or control; and water quality-based effluent limits (WQBELs) that attain and maintain applicable numeric and narrative water quality standards. TBELs are based on implementing available technologies to reduce or treat pollutants while WQBELs are designed to protect the beneficial uses of the receiving water.

A. Effluent Limits Rationale

Effluent limits contained in the 2023 MSGP are non-numeric and constitute the level of controls to eliminate or minimize the discharge of pollutants through storm water from permitted industrial activities, to protect water quality, and to satisfy the appropriate water quality requirements of the Montana Water Quality Act. Non-numeric effluent limits are practice-based effluent limits or the implementation of control measures through Best Management Practices (BMPs) that can be authorized in lieu of numeric limits, where numeric effluent limits are infeasible. The Department has developed non-numeric effluent limits using “Best Professional Judgment” (BPJ) that reduces and/or eliminates pollutant discharges in storm water. These effluent limits correspond to required levels of technology-based control including “Best Practicable Technology” (BPT), “Best Achievable Technology” (BAT), and “Best Conventional Treatment Technology” (BCT) for industrial storm water discharges.

The control measures outlined to satisfy technology requirements for industrial activities include:

- Minimize Exposure
- Good Housekeeping
- Maintenance
- Spill Prevention and Response Procedures
- Erosion and Sediment Controls
- Management of Runoff
- Salt Storage Piles or Pies Containing Salt
- Employee Training
- Non-Storm Water Discharges
- Dust Generation and Vehicle Tracking of Industrial Materials
- Sector Specific Non-Numeric Effluent Requirements including indicator and benchmark monitoring.

The control measures are selected, designed, installed, and implemented in accordance with specific permit conditions to include, and not limited to, good engineering practices and manufacturer’s specifications. The Department has updated the non-numeric effluent limits language to maintain the flexibility to select and adaptively manage control measures that are the most effective for the specific facility or operation but outlined clear and specific controls and practices to achieve these limits. These updates were based on the following generalized internal and external feedback: the current General Permit needed (1) better permitting and compliance direction on specific requirements; (2) to outline the requirements for specific BMP selection; and (3) more prescription on other specific requirements.

The 2023 General Permit’s water quality-based effluent limits include implementing measures to control storm water discharges as necessary to meet applicable numeric and narrative water quality standards and consistent with the assumptions of any applicable TMDL wasteload allocation. Compliance with the conditions in the 2023 General Permit will control discharges as necessary to meet applicable water quality standards. If at any time the permittee becomes aware, or the Department determines, that the discharge causes or contributes to an exceedance of applicable water quality standards, the permittee must take and document corrective actions. On a case-by-case basis, permittees will be informed if any additional controls are necessary for discharges to meet water quality standards.

All control measures (outlined above) must be documented in the Storm Water Pollution Prevention Plan (SWPPP) because the core requirement of regulating storm water discharges through the MSGP is for permittees to develop, submit, implement, and maintain a SWPPP.

Some specific types of industrial and/or mining facilities have identified storm water discharge areas which are subject to effluent limitations guidelines (ELGs). Discharges subject to ELGs are not eligible for coverage under the MSGP and must obtain coverage under a separate Individual MPDES permit. The “owner or operator” must refer to pertinent federal 40 CFR regulations to determine which storm water discharges are eligible for permit coverage under the MSGP, and which storm water discharges are subject to federal ELGs and would be permitted under a separate Individual MPDES permit. This permitting requirement is consistent with the current MPDES Multi-Sector General Permits for Storm Water Discharges Associated with Industrial Activity. If storm water discharges from only certain portions of the site are eligible for coverage under this permit, permittees are encouraged to consider the option of covering all site storm water discharges under the same MPDES Individual Permit.

VIII. Inspections and Corrective Actions

Self-inspections are a critical tool in evaluating BMP effectiveness, compliance with permit requirements, and triggering corrective actions to ensure protection of water quality from storm water discharges from the regulated industrial activities. The Department has identified and outlined more clear and specific requirements for a role of a qualified inspector to perform the required inspections because this role is vital in the assessment of effective control measures and ultimately the storm water quality of the industrial discharges based on the effectiveness of the control measures. The Department has developed an annual report form that requires the permittee to submit a summary of findings from the calendar year. Inspection and corrective action requirements and associated documentation were streamlined to foster better facility inspections and better record keeping.

IX. Storm Water Pollution Prevention Plan (SWPPP)

The core requirement of regulating storm water discharges through the MSGP is for permittees (owners and operators with permit coverage) to develop, submit, implement, and maintain a Storm Water Pollution Prevention Plan. The SWPPP is a document that must be developed and implemented in accordance with good engineering selection and design, industry standards, hydrologic principles, and pollution control practices to minimize and control potential pollutants in storm water associated with industrial activity and meet this permit’s effluent limits. SWPPPs are intended to be “living documents” and updated to reflect current site conditions and activities. In coordination with the developed SWPPP, the MSGP requires (1) periodic site inspections, and (2) necessary maintenance or improvement of implemented storm water controls based on evaluations of continued appropriateness and adequacy of the control for current facility or operation conditions. Through this iterative and adaptive management approach for storm water permitting associated with industrial activities, the permittee consistently improves storm water quality utilizing the SWPPP; and, consequently, the overall benefit of maintaining the SWPPP is the improved quality of receiving waterbodies statewide.

The SWPPP Administrator is the lead responsible person for ensuring the development, implementation, and maintenance of the SWPPP, and will serve as the primary contact person regarding the SWPPP. The Department has identified and outlined more clear and specific requirements for the role of the SWPPP Administrator because this lead storm water role is vital in meeting the effluent limits of the MSGP.

The SWPPP requirements were clarified to provide the necessary framework to identify pollutant sources within all industrial areas and proceed through a methodical process of corresponding pollutants to

control measure and appropriate BMP selection. These requirements have not changed significantly, but the Department's updates to the SWPPP reflecting the clarifications provide a better foundation for permittees to meet the minimum objectives outlined for SWPPP requirements.

X. Standard Permit Conditions

Conditions that apply to all MPDES permits including the MSGP are listed in ARM 17.30.1342. Additional conditions applicable to MPDES permits are set forth in ARM 17.30.1344. All conditions applicable to MPDES permits must be incorporated into the permits either expressly or by reference. A listing of all Standard Conditions pertaining to all MPDES permits will be included in the 2023 General Permit.

XI. Definitions and Abbreviations

Definitions and abbreviations relevant to the MSGP are provided in the MSGP.

XII. Public Notice

The Department provides an opportunity for public participation in the permit process through public notice and a public hearing. The public notice period is the venue to inform and solicit comments from all interested parties and members of the general public of the MSGP renewal. The public hearing provides a physical location for all interested parties and members of the general public to provide written and oral comments. The Department will consider and respond to all significant comments prior to final determination and issuance of the MSGP.

XIII. References

- Administrative Rules of Montana Title 17, Chapter 30 *et al.*
- Montana Code Annotated Title 75, Chapters 5, Subchapters 1 through 6.
- Code of Federal Regulations 40 CFR Parts 122 through 133 and Part 450.
- EPA Guidance Manual for Conditional Exclusion from Storm Water Permitting Based On “No Exposure” of Industrial Activities to Storm Water, June 2000.
- EPA Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators; June 2015.
- EPA Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity, March 2021, and Fact Sheet.
- EPA Multi-Sector Fact Sheet for Stormwater Discharges Associated with Industrial Activity, March 2021.
- U.S. EPA Stormwater Phase I Final Rule and Phase II Final Rule, Fact Sheet 4.0.
- MPDES Permit MTR000000 (and associated documents), Effective date February 1, 2018.
- Various MPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity permittee files.
- Various Final Montana TMDL documents