

# MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

## GENERAL PERMIT

For

### DOMESTIC SEWAGE TREATMENT LAGOONS - BATCH and NON-DISCHARGING FACILITIES

Permit No.: MTG580000

#### AUTHORIZATION TO DISCHARGE UNDER THE MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES)

In compliance with Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated (MCA), and the federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. 1251 *et. seq.*, applicants issued an authorization letter for this *General Permit for Domestic Sewage Treatment Lagoons – Batch and Non-Discharging Facilities* are authorized to discharge wastewater to state waters in accordance with effluent limits, monitoring requirements and other conditions set forth herein.

A copy of this General Permit and the written authorization letter from the Department of Environmental Quality (DEQ) must be kept on site at all times. The General Permit is not valid without a current letter from DEQ.

This permit shall become effective: **January 1, 2023**

This permit and the authorization to discharge shall expire at midnight, **December 31, 2027**

FOR THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

**DRAFT**

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Jon Kenning, Chief  
Water Protection Bureau  
Water Division

Issuance Date: **DRAFT**

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## I. COVERAGE UNDER THIS GENERAL PERMIT

### A. Coverage Area

This *General Permit for Domestic Sewage Treatment Lagoons – Batch and Non-Discharging Facilities* (LGP) applies to all areas of the State of Montana, except for within the boundaries of Indian Lands, National Parks, and excluded waterbodies listed in Part I.C.

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

To be eligible for authorization under this general permit, the domestic sewage treatment lagoon system must:

- Be designed with an average daily flow less than 1.0 million gallons per day (mgd),
- Discharge effluent either as batch/periodic discharge or be non-discharging,
- Have no discharge during the three-month nutrient growing season appropriate for the ecoregion, typically between July 1<sup>st</sup> and September 30<sup>th</sup>, and
- Not be ineligible under Part I.C.

### C. Sources Ineligible for Coverage Under This General Permit

1. DEQ may deny a general permit application for discharge for any of the following:
  - a. The specific source applying for authorization appears unable to comply with:
    - effluent limitations or other terms and conditions of the permit;
    - water quality standards; or
    - prohibition of any discharges to which the EPA regional administrator has objected in writing.
  - b. The discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the General Permit.
  - c. An MPDES permit or authorization for the same operation has previously been denied or revoked.
  - d. The discharge to be authorized under a general permit is also included within an application or is subject to review under the Major Facility Siting Act.
  - e. The point source will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.
2. In addition, the following sources are excluded from coverage from this GP:
  - a. A facility discharging to Outstanding Resource Waters, A-1 or A-Closed classified waters, or lakes or reservoirs.
  - b. A facility that is a “new or increased source” that discharges to “high quality water,” as defined in the Nondegradation of Water Quality Subchapter 7. However, new sources to ephemeral waterbodies, where the discharge will not reach intermittent or perennial waterbodies, may apply for authorization under this General Permit.

- c. A facility with a pretreatment program or receiving wastewater from a categorical industrial user(s) (CIU) or significant industrial users (SIU) (see 40 CFR 403.3). Specifically, a facility with any of the following is not eligible under the LGP:
- Having or required to have a pretreatment program;
  - Receiving wastewater from a CIU, which is any industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
  - Receiving wastewater from a SIU, which is any industrial user that discharges an average of 0.025 mgd or more of process wastewater to the facility (with certain exclusions), contributes a process waste stream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or is designated as an SIU by the control authority.
- d. A facility covered under an individual MPDES permit with site-specific WQBELs cannot be covered unless the permit limits are from an approved Wasteload Allocation (WLA) in a Total Maximum Daily Load (TMDL) or are equivalent to the water quality standards in Department Circular DEQ-7.

D. Requirements for Continuing Authorization under this General Permit

All authorizations under the 2018 LGP expire on December 31, 2022, along with the expiration of the LGP. For coverage under the 2023 LGP, permittees must submit a complete renewal Notice of Intent package which includes:

- A complete Notice of Intent application form (NOI-580) or electronic FACTS submittal,
- A copy of the consultation letter from the Montana Sage Grouse Habitat Conservation Program (if applicable), and
- Renewal application fee of \$800 per outfall

DEQ must receive the complete application package any time after the renewed permit is finalized but before **October 31, 2022**. Submittal may be either electronic via FACTS, using the electronic NOI questionnaire with a CROMMERS-compliant signature from the Signatory Authority (an upload of a signed NOI-580 PDF is not sufficient) or by hardcopy at the following address:

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

The renewed coverage under the LGP is effective on or after January 1, 2023, upon receiving an Authorization Letter from DEQ.

E. Requirements for New Authorizations under this General Permit

A new discharger to an ephemeral waterbody may request coverage under the 2023 GP. New dischargers to waters other than ephemeral are not eligible for coverage since they will need to be evaluated for nondegradation through an individual permit process. Facilities designed to be non-discharging are also eligible for coverage under the 2023 LGP, regardless of whether the potential receiving waterbody is ephemeral.

If a new discharger to an ephemeral waterbody, or a new non-discharging facility that could potentially have an unintended release to any waterbody, desires coverage under the 2023 LGP, they must submit a complete NOI package, including the NOI fee. DEQ will make a completeness determination within 30 days of receipt of a facility's NOI submittal package and will notify the facility if their NOI package is incomplete.

Existing facilities with coverage under an Individual MPDES permit may obtain coverage under the 2023 LGP by either submitting a complete NOI-580 package as outlined above, or by requesting that their individual renewal application Form 2A and fees be transferred to this GP. If the newly authorized facility previously held an individual permit, DEQ shall terminate the facility's individual permit upon a facility's coverage under this GP.

F. Termination of General Permit Coverage

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

*Replace General Permit coverage with an Individual MPDES permit*

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

G. Transfer of Coverage

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

H. Modifications

If the Permittee wishes to modify their permit authorization, for instance to change from a discharging to non-discharging facility, they must submit a complete NOI package including:

- A complete hardcopy Notice of Intent form (NOI-580),
- Renewal application fee of \$800 per outfall, and
- Any additional information regarding, or effected by, the modification request.

Facilities eligible for the modification will be issued a letter of authorization to the owner or operator. If the facility does not qualify for coverage, DEQ will notify the applicant.

**II. EFFLUENT LIMITS**

DEQ will assign each facility under one of two subgroups: (A) Discharging Facilities, or (B) Non-discharging Facilities.

**A. Discharging Facilities Subgroup - Effluent Limits**

Beginning on the effective date and lasting through the term of the LGP, each facility in the Discharging facilities Subgroup shall, at a minimum, meet the appropriate Technology-based Effluent Limits (TBELs) and Water Quality-based Effluent Limits (WQBELs). The specific limits and outfall location(s) will be identified in the facility’s authorization letter.

**1. TBELs:**

Each discharging facility will be assigned TBELs based on the appropriate limit set:

- Total Suspended Solids (TSS) Group (A, B, or C), and
- 5-Day Biochemical Oxygen Demand (BOD<sub>5</sub>) subgroup (1 or 2).

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

Each facility assigned to TSS Group A must meet the effluent limits listed in **Table 1**:

<b>Table 1. Technology-based Effluent Limits</b>			
<b>Group A - Total Suspended Solids – National Secondary Standards <sup>(1)</sup></b>			
Parameter	Units	Average Monthly Limit	Average Weekly Limit
<b>Choices for 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) <sup>(2)</sup></b>			
A.1. BOD <sub>5</sub> - National Secondary Standards	mg/L	30	45
	lbs/day	(3)	(3)
	% removal	85 <sup>(4)</sup>	NA
A.2. BOD <sub>5</sub> - Treatment Equivalent to Secondary	mg/L	45	65
	lbs/day	(3)	(3)
	% removal	65 <sup>(4)</sup>	NA
<b>Total Suspended Solids</b>			
Total Suspended Solids	mg/L	30	45
	lbs/day	(3)	(3)
	% removal	NA <sup>(4)</sup>	NA
pH <sup>(5)</sup>	s.u.	6.0 - 9.0 (instantaneous)	
Footnotes:			
(1) See Definitions section at end of permit for explanation of terms.			
(2) If requested by the permittee as part of the renewal application or a modification request and approved by DEQ, 5-day carbonaceous biochemical oxygen demand (CBOD <sub>5</sub> ) limits may replace BOD <sub>5</sub> limits.			
(3) Mass-based limits calculations shown below in Part II.A.2.			
(4) BOD <sub>5</sub> percent removal calculation shown below in Part II.A.2. TSS mass limits are a substitute for TSS percent removal.			
(5) Effluent pH shall remain between 6.0 and 9.0 s.u. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.			

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

Each facility assigned to TSS Group B must meet the effluent limits listed in **Table 2**:

<b>Table 2. Technology-based Effluent Limits</b>			
<b>Group B - Total Suspended Solids – Treatment Equivalent to Secondary <sup>(1)</sup></b>			
Parameter	Units	Average Monthly Limit	Average Weekly Limit
<b>Choices for 5-day Biochemical Oxygen Demand (BOD<sub>5</sub>) <sup>(2)</sup></b>			
<b>B.1. BOD<sub>5</sub> - National Secondary Standards</b>	mg/L	30	45
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	85 <sup>(4)</sup>	NA
<b>B.2. BOD<sub>5</sub> - Treatment Equivalent to Secondary</b>	mg/L	45	65
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	65 <sup>(4)</sup>	NA
<b>Total Suspended Solids</b>			
Total Suspended Solids	mg/L	45	65
	lbs/day	<sup>(3)</sup>	<sup>(3)</sup>
	% removal	NA <sup>(4)</sup>	NA
pH <sup>(5)</sup>	s.u.	6.0 - 9.0 (instantaneous)	
Footnotes: (1) See Definitions section at end of permit for explanation of terms. (2) If requested by the permittee as part of the renewal application or a modification request and approved by DEQ, 5-day carbonaceous biochemical oxygen demand (CBOD <sub>5</sub> ) limits may replace BOD <sub>5</sub> limits. (3) Mass-based limits calculations shown below in Part II.A.2. (4) BOD <sub>5</sub> percent removal calculation shown below in Part II.D.2. TSS mass limits are a substitute for TSS percent removal. (5) Effluent pH shall remain between 6.0 and 9.0 s.u. For compliance purposes, any single analysis and/or measurement beyond this limitation shall be considered a violation of the conditions of this permit.			

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

Each facility assigned to TSS Group C must meet the effluent limits listed in **Table 3**:

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

2. **TBEL Equations**

Mass-based Load Limits Equation

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

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

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



Percent Removal Equation

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

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

Where:

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

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

3. **WQBEL:**

Beginning on the effective date of the permit and lasting until the of the permit term, each discharging facility will be subject to WQBELs as shown below in **Table 4** and below. These limits apply to *all* batch dischargers (both ≤0.10 mgd and >0.10 mgd) but not to any non-discharging facilities:

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

Footnotes:  
(1) See Definitions section at end of permit for explanation of terms. WQBELs are in addition to TBELs for all batch dischargers.  
(2) All facilities are required to comply with the summertime *E.coli* bacteria limit from April 1 through October 31<sup>st</sup> and the wintertime limit from November 1 through March 31<sup>st</sup> on an annual basis. **The geometric mean must be reported if more than one sample is collected during the reporting period.**  
(3) If visual monitoring indicates the presence of oil & grease, a grab sample must be submitted for analysis and discharge must cease if the concentration is found to be > 10 mg/L.  
(4) Any facility with an existing TMDL WLA or effluent limit will be required to continue to meet these limits. The additional requirements will be specified in the authorization letter to the facility.

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

1. There shall be no discharge which causes a visible oil film (or to be present at concentrations at or in excess of 10 mg/L), and
2. There shall be **no discharge during the nutrient growing season**, typically between July 1<sup>st</sup> and September 30<sup>th</sup>, with limited exceptions, as specified in the authorization letter.

B. Non-Discharging Facilities Subgroup – Effluent Limits:

Facilities under the Non-Discharging Facilities subgroup must meet the following:

1. The system must have been designed to be non-discharging. All lagoons must be sealed by soils, bentonite, or synthetic liners (Circular DEQ-2). There must be minimal groundwater infiltration as specified by the design requirements under Department Circular DEQ-2 (or equivalent) in use at the time of the facility installation or upgrade (currently 6 inches a year).

In addition, the facility must have adequate capacity to be operated as a total retention system. A non-discharging facility may only have the following water losses:

- Evaporation, and
  - Land application.
2. The facility must discharge only in accordance with the provisions of Part V.U or V.X for a bypass, upset, or emergency overflow.

### III. MONITORING and REPORTING REQUIREMENTS

All facilities are required to monitor their discharge after all treatment, at the last point of control before the discharge enters the initial receiving water. All facilities must ensure monitoring is representative of the nature and volume of the discharge.

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

DEQ requires monitoring to occur on a calendar basis (i.e., calendar week, calendar month, calendar quarter). When monitoring is required twice per month, the two samples must be taken at least one week apart during the calendar month. When monitoring is required more than once a week, each sample must be taken on a unique calendar day.

The monitoring frequency is separated into the following:

- **Dischargers  $\leq$  0.1 mgd average daily design flow** – Table 5 (Influent) and Table 6 (Effluent)
- **Dischargers  $>$  0.1 mgd average daily design flow** – Table 5 (Influent) and Table 7 (Effluent)
- **Non-Dischargers** – Emergency Discharge Monitoring Table 8 (Effluent)

#### A. Discharging Facilities Subgroup – Monitoring & Reporting

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

#### 1. **Influent Monitoring and Reporting for All Discharging Facilities**

**Table 5** presents the influent monitoring requirements for all discharging facilities:

Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>(2)</sup>	Reporting Requirements	Reporting Level <sup>(3)</sup>
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>(4)</sup>	mg/L	Composite	1/Month	None	2
Footnotes: (1) See Definitions section in the permit. Influent monitoring required for all dischargers. (2) The influent concentration of BOD <sub>5</sub> is used to calculate the percent removal. Monthly influent samples are required whenever there is a discharge for that month. (3) Reporting Level (RL) is the minimum reporting level required for the analysis. (4) BOD <sub>5</sub> unless facility has requested and is approved to sample for Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> ).					

2. **Effluent Monitoring and Reporting for Facilities less than or equal to 0.1 mgd**

**Table 6** presents the effluent monitoring requirements for batch dischargers (less than or equal to 0.1 mgd average daily design flow).

<b>Table 6: Effluent Monitoring and Reporting Requirements for ≤0.1 mgd Batch Dischargers <sup>(1)</sup></b>					
Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>(2)</sup>	Reporting Requirements	Reporting Level <sup>(3)</sup>
Discharge Flow Rate	mgd	Instantaneous <i>or</i> Continuous	3/Week	Daily Maximum and Monthly Average	± 10% of actual
Number of Days with Discharge	#Days	Calculated	1/Day	Monthly Count	1
Total Flow, Million Gallons	MG	Calculated	1/Month	Monthly Flow	--
5-Day Biochemical Oxygen Demand <sup>(4)</sup>	mg/L	Grab	1/Month	Weekly Maximum and Monthly Average	2
	lb/day	Calculated	1/Month		0.1
	% Removal	Calculated	1/Month	Minimum Monthly	0.1
Total Suspended Solids	mg/L	Grab	1/Month	Weekly Maximum and Monthly Average	10
	lb/day	Calculated	1/Month		0.1
pH	s.u.	Instantaneous	3/Week	Daily Minimum and Daily Maximum	0.1
Oil & Grease	Yes / No	Visual <sup>(5)</sup>	3/Week	Monthly	--
	mg/L	Grab	<sup>(5)</sup>	Daily Maximum	1
<i>E. coli</i> Bacteria <sup>(6)</sup>	# organisms/ 100 mL	Grab	1/Month	Daily Maximum and Geometric Mean	1
Total Residual Chlorine (TRC) <sup>(7)</sup>	µg/L	Grab	3/Week	Daily Maximum and Monthly Average	50
Case-by-Case	mg/L or µg/L	Grab	TBD <sup>(8)</sup>	Daily Maximum and Monthly Average	DEQ-7

**Footnotes:**

- (1) See Definitions section in the permit.
- (2) **Monitoring is required only for any calendar period where there is a discharge.** Methods for calculating mass load (lb/day) and % removal are provided in this permit. Permittees are allowed to either conduct grab or composite effluent sampling: composite samples are 24-hour composite samples using a minimum of four grab samples. *DEQ will presume the permittees will comply with the monitoring requirement by taking one grab sample unless otherwise indicated in the NOI and specified in the authorization letter.*
- (3) RL = minimum reporting level. Analytical results reported as less than detection must achieve the required reporting values (RRV) in Department Circular DEQ-7 unless a different RL is specified.
- (4) BOD<sub>5</sub> unless the facility is authorized to demonstrate compliance with carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>).
- (5) If visual monitoring indicates the presence of oil & grease, a grab sample must be submitted for analysis and discharge must cease if the concentration is found to be > 10 mg/L.
- (6) *Escherichia coli* (*E. coli*) bacteria. Reporting in #organisms per 100 mL (equivalent to either colony forming units (cfu) per 100 mL or most probable number (mpn) per 100 mL). Report the geometric mean if more than one sample is collected during the reporting period.
- (7) TRC monitoring only required if chlorine is used for disinfection or the lagoon receives effluent from a source using significant amounts of chlorine (i.e. water treatment facility, municipal pool).
- (8) To be determined – the monitoring frequency depends upon the Total Maximum Daily Load (TMDL) Wasteload Allocation or previous permit requirements.

### 3. Effluent Monitoring and Reporting for Facilities greater than 0.1 mgd

Table 7 presents the effluent monitoring requirements for batch dischargers greater than 0.1 mgd average daily design flow.

Table 7: Effluent Monitoring and Reporting Requirements for > 0.1 mgd Dischargers <sup>(1)</sup>					
Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>(2)</sup>	Reporting Requirements	Reporting Level <sup>(3)</sup>
Discharge Flow Rate	mgd	Instantaneous <i>or</i> Continuous	5/Week	Daily Maximum and Monthly Average	± 10% of actual
Number of Days with Discharge	#Days	Calculated	1/Day	Monthly Count	1
Total Flow, Million Gallons (MG)	MG	Calculated	1/Month	Monthly Flow	--
5-Day Biochemical Oxygen Demand <sup>(4)</sup>	mg/L	Grab	2/Month	Weekly Maximum and Monthly Average	2
	lb/day	Calculated	1/Month		0.1
	% Removal	Calculated	1/Month	Monthly Minimum	0.1
Total Suspended Solids	mg/L	Grab	2/Month	Weekly Maximum & Monthly Average	10
	lb/day	Calculated	1/Month		0.1
pH	s.u.	Instantaneous	3/Week	Daily Minimum and Daily Maximum	0.1
Oil & Grease	Yes / No	Visual <sup>(5)</sup>	5/Week	Monthly	--
	mg/L	Grab	<sup>(5)</sup>	Daily Maximum	1
<i>E. coli</i> Bacteria <sup>(6)</sup>	# organisms/ 100 mL	Grab	2/Month	Daily Maximum and Geometric Mean	1
Total Residual Chlorine (TRC) <sup>(7)</sup>	µg/L	Grab	5/Week	Daily Maximum & Monthly Average	50
Case-by-Case	mg/L or µg/L	Grab	TBD <sup>(8)</sup>	Daily Maximum and Monthly Average	DEQ-7

**Footnotes:**

- (1) See Definitions section in the permit.
- (2) **Monitoring is required only for any calendar period where there is a discharge.** Methods for calculating mass load (lb/day) and % removal are provided in Parts IV.E.1 & 2. Permittees are allowed to either conduct grab or composite effluent sampling; composite samples are 24-hour composite samples using a minimum of four grab samples. *DEQ will presume the permittees will comply with the monitoring requirement by taking one grab sample unless otherwise indicated in the NOI and specified in the authorization letter.*
- (3) RL = minimum reporting level. Analytical results reported as less than detection must achieve the required reporting values (RRV) in Department Circular DEQ-7 unless a different RL is specified.
- (4) BOD<sub>5</sub> unless the facility is authorized to demonstrate compliance with carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>).
- (5) If visual monitoring indicates the presence of oil & grease, a grab sample must be submitted for analysis and discharge must cease if the concentration is found to be > 10 mg/L.
- (6) *Escherichia coli* (*E. coli*) bacteria. Reporting in #organisms per 100 mL (equivalent to either colony forming units (cfu) per 100 mL or most probable number (mpn) per 100 mL). Report the geometric mean if more than one sample is collected during the reporting period.
- (7) TRC monitoring only required if chlorine is used for disinfection or the lagoon receives effluent from a source using significant amounts of chlorine (i.e. water treatment facility, municipal pool).
- (8) To be determined – the monitoring frequency depends upon the Total Maximum Daily Load (TMDL) Wasteload Allocation or previous permit requirements.

**B. Non-Discharging Facilities Subgroup - Monitoring and Reporting for Release**

A facility authorized as a non-discharging facility that has a release (a bypass, upset, or emergency release) shall take the following steps:

1. Provide appropriate notification to DEQ:
  - Submit a notification to DEQ for an anticipated bypass for essential maintenance that may result in a discharge as soon as possible, but at least ten days prior to the bypass, in conformance with the 2023 LGP Part V.X, or
  - Orally report an upset, unanticipated bypass, or emergency release to DEQ within 24 hours of becoming aware of the circumstances, and submit a written submission within five business days, unless waived by DEQ in conformance with the 2023 LGP Part V.U.
2. Monitor the release for the following parameters as indicated (**Table 8**).
3. Provide the monitoring results on the **Non-Discharging Facilities – Required Monitoring Form** no later than the 28<sup>th</sup> of the following month (see **Attachment B**).

<b>Table 8: Non-Discharging Facilities</b>					
Parameter	Units	Sample Type	Minimum Sampling Frequency <sup>(2)</sup>	Reporting Requirements	Reporting Level <sup>(3)</sup>
Discharge Start and End Date + Time	Date + Time	Instantaneous	5/Week	Start + Time	Hour
Discharge Flow Rate	mgd	Instantaneous or Continuous	5/Week	Daily Maximum & Monthly Average	± 10% of actual flow
Number of Days with Discharge	# Days	Calculated	1/Day	Monthly Count	1
Total Flow, Million Gallons (MG)	MG	Calculated	1/Month	Monthly Total	--
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/L	Grab	1/Week	Weekly Maximum & Monthly Average	2
Total Suspended Solids (TSS)	mg/L	Grab	1/Week	Weekly Maximum & Monthly Average	10
pH	s.u.	Instantaneous	5/Week	Daily Minimum & Daily Maximum	0.1
Oil & Grease	Yes / No	Visual <sup>(4)</sup>	5/Week	Monthly	--
	mg/L	Grab	<sup>(4)</sup>	Daily Maximum	1
<i>E. coli</i> Bacteria <sup>(5)</sup>	# organisms/ 100 mL	Grab	1/Week	Daily Maximum & Geometric Mean	1
Total Residual Chlorine (TRC) <sup>(6)</sup>	µg/L	Grab	5/Week	Daily Maximum & Monthly Average	50

Footnotes:

- (1) See Definitions section in the permit.
- (2) Monitoring is required for any period with an emergency discharge.
- (3) RL = minimum reporting level. Analytical results reported as less than detection must achieve the required reporting values (RRV) in Department Circular DEQ-7 unless a different RL is specified.
- (4) If visual monitoring indicates the presence of oil & grease, a grab sample must be submitted for analysis.
- (5) *Escherichia coli* (*E. coli*) bacteria. Reporting in #organisms per 100 mL (equivalent to either colony forming units (cfu) per 100 mL or most probable number (mpn) per 100 mL). Report the geometric mean if more than one sample is collected during the reporting period.
- (6) TRC monitoring only required if significant discharge contribution or chlorine disinfection.

#### IV. SPECIAL CONDITIONS

##### A. Lagoon O&M Requirements – All Facilities

All facilities must:

1. Maintain an up-to-date O&M manual for the domestic sewage treatment lagoon system;
2. Follow the procedures in the O&M manual;
3. Conduct inspections at least monthly to ensure the O&M procedures are being followed and are working; and
4. Maintain records of the routine inspections and any follow-up. Records from the routine inspections must be maintained for at least three (3) years, and available for an inspector upon request. At a minimum, the records shall include:
  - Date and time of inspection;
  - Name of the inspector(s);
  - Weather conditions during inspection;
  - Visual observation of lagoon conditions, including wastewater observations (water level, odor, and visible appearance) and dike condition (signs of leakage, erosion, rodents burrowing, and/or vegetation growth);
  - Discharge flow rate, if occurring;
  - Identification of O&M problems;
  - Recommendations, as appropriate, to rectify identified O&M problems;
  - A brief description of any actions taken with regards to identified problems; and
  - Other information, as appropriate (e.g., effluent sample and measurement location).

##### B. Sludge Handling – All Facilities

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

All facilities, including non-discharging facilities, shall submit a sludge accumulation update report, which includes at a minimum:

- date of the most recent sludge assessment (which may be before this permit cycle) and major findings and method of sludge measurement.
- best estimate of the current amount of sludge (in feet),
- date of most recent sludge removal, and
- work planned to remove or minimize sludge over the next five years, if any.

A summary of the facility's most recent sludge review must be completed and submitted to DEQ by **[Six months prior to 2023 Permit Expiration]**.

##### C. Seasonal Land Application of Treated Effluent

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

nutrient uptake, eliminate the risk of runoff to surface water or ground water infiltration/percolation, and maintain the agronomic capacity of the soil. The seasonal land application of treated effluent plan must address applicable requirements from Department Circular DEQ-2, including:

- Duration (for each parcel receiving treated effluent): date land application of treated effluent started, number of total years land application has been conducted, and remaining years available for land application before field is retired.
- Documentation of setbacks from public access points and waterways (i.e. no application closer than 50 feet from ditches, streams or surface water).
- Unless land application is approved not to remove plant mass, document the volume of plant mass removed from site annually and document crop type grown and harvested (example – yards of turf grass cuttings, or hay grass removed over the full growing season. For tree farms, volume of tree mass and understory removed each year).
- Monitoring:
  - Method of flow monitoring and calibration (flow meter or pump run time).
  - Method of recordkeeping for daily volume applied (both treated effluent and irrigation water).
  - Comparison of volume applied per application compared to design engineers' per application allowance contained in the DEQ approved design report or O&M documents.
  - Documentation of field size irrigated during each application.
- Effluent and Soil Sampling Minimum Requirements:
  - Sampling locations and methodology (sampling procedures, analysis, recordkeeping).
  - Effluent sampling analysis results for:
    - Electrical Conductivity (EC) in mmho/cm or dS/m
    - Total Nitrogen
    - Total coliform or *E.Coli* bacteriaEffluent sampling analysis must occur at least monthly, unless more frequent sampling is required by specific permit or Department approval conditions.
  - Soil sampling analysis results for:
    - Electrical Conductivity (EC) in mmho/cm or dS/m
    - Sodium Adsorption Ratio (SAR)
    - pHSoil sampling must occur at least once every three years, unless more frequent sampling is required by specific Department approval conditions. Sites used for effluent irrigation for periods that exceed 20 years must undergo an investigation performed by a qualified soil scientist or agronomist to ensure continued application will not result in soil/plant health issues.



D. Inflow/Infiltration – All facilities with average daily design flow greater than 0.1 mgd average daily design flow

Each facility with an average daily design flow greater than 0.1 mgd must submit an updated status of the facility’s Infiltration/Inflow (I/I) during the last year of the permit cycle. This status update must include at a minimum:

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

A summary of the facility’s most recent I/I review must be completed by and submitted to DEQ by **[Six months prior to 2023 Permit Expiration]**.

E. Special Conditions Summary

**Table 9** presents a summary of Special Conditions due dates.

<b>Table 9: Summary of Special Conditions and Due Dates</b>		
<b>Action</b>	<b>Action Completion Due Date<sup>(1)</sup></b>	<b>Report Due Date<sup>(2)</sup></b>
<b>ALL</b>		
Operation & Maintenance Plan and records.	Continual	Maintain for three years.
Sludge Handling	<b>[Six months prior to expiration]</b>	<b>[14 days after action completion date]</b>
Land application – Plan and records <i>(if applicable)</i>	Continual	Maintain for three years.
<b>Additional Requirements for WWTF with average daily design flow greater than 0.1 mgd</b>		
Review I/I and provide status update.	<b>[Six months prior to expiration]</b>	<b>[14 days after action completion date]</b>
Footnotes:		
(1) The actions must be completed on or before the scheduled completion dates.		
(2) This notification must be received by DEQ on or before the scheduled due date.		

F. Pretreatment Program – All Facilities

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

1. The Permittee shall not allow any user to introduce into a POTW any pollutants which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Part III.F.2 of this permit apply to all non-domestic sources introducing pollutants into a POTW whether or not the source is subject to other national pretreatment standards or any national, state or local pretreatment requirements.
2. In addition, the following pollutants may not be introduced into a POTW:

- a. Pollutants which create a fire or explosion hazard in the POTW, including waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;
  - d. Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;
  - e. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees Celsius (104 degrees Fahrenheit) unless DEQ, upon request of the POTW, approves alternative temperature limits;
  - f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
  - g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems; and
  - h. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
3. Publicly Owned Treatment Works. All POTWs must provide adequate notice to DEQ of the following:
- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to federal effluent guidelines and standards [40 CFR Subchapter N] if it were directly discharging those pollutants; and
  - b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  - c. For the purposes of this paragraph, adequate notice shall include information on:
    - (1) the quality and quantity of effluent introduced into the POTW, and
    - (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

## V. STANDARD CONDITIONS

The permittee shall meet the following standard conditions of MPDES permits.

### A. Duty to Comply

The permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Montana Water Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under ARM 17.30.1206 for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.

The Montana Water Quality Act at MCA 75-5-631 provides that in an action initiated by DEQ to collect civil penalties against a person who is found to have violated a permit condition, the person is subject to a civil penalty not to exceed \$25,000. Each day of violation constitutes a separate violation.

MCA 75-5-632 provides that any person who willfully or negligently violates a prohibition or permit condition is subject, upon conviction, to criminal penalties not to exceed \$25,000 per day or one year in prison, or both, for the first conviction, and \$50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions.

MCA 75-5-611(9)(a) also provides for administrative penalties not to exceed \$10,000 for each day of violation and up to a maximum not to exceed \$100,000 for any related series of violations

### B. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must first apply for and obtain a new permit.

### C. Need to Halt or Reduce Activity Not a Defense

It may not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

### D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance

also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

G. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

H. Duty to Provide Information

The permittee shall furnish to DEQ, within a reasonable time, any information that DEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to DEQ, upon request, copies of records required to be kept by this permit.

I. Inspection and Entry

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

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

J. Monitoring and Records—Representative Sampling

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

K. Monitoring and Records—Retention of Records

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

L. Monitoring and Records—Records Contents

Records of monitoring information must include:

- the date, exact place, and time of sampling or measurements;
- the individual(s) who performed the sampling or measurements;
- the date(s) analyses were performed;
- the individual(s) who performed the analyses;
- the analytical techniques or methods used; and
- the results of such analyses.

M. Monitoring and Records—Test Procedures

Monitoring must be conducted according to test procedures approved under Title 40 of the Code of Federal Regulations (40 CFR) Part 136, unless other test procedures have been specified in this permit.

N. Monitoring and Records—Falsification and Tampering

The Montana Water Quality Act at MCA 75-5-633 provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$25,000, or by imprisonment for not more than six months, or by both.

O. Signatory Requirement

All applications, reports or information submitted to DEQ shall be signed and certified. (See ARM 17.30.1323.) In accordance with ARM 17.30.1323, all permit applications must be signed as follows:

- *For a corporation:* By a responsible corporate officer, which means
  - A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
  - The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- *For a partnership or sole proprietorship:* By a general partner or the proprietor, respectively.
- *For a municipality, state, federal, or other public agency:* By either a principal executive officer or ranking elected official. A principal executive office of a federal agency includes:
  - The chief executive officer of the agency; or
  - A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

**Authorized representatives.** All reports required by the permit and other information requested by DEQ shall be signed by a person described above or by a duly authorized representative of that person. A person is considered a duly authorized representative only if:

- The authorization is made in writing by a person described above;
- The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters (a duly authorized representative may thus be either a named individual or an individual occupying a named position); and
- The written authorization is submitted to DEQ.

**Changes to authorization.** If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements above must be submitted to DEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

**Certification.** Any person signing a document under this section shall make the following certification:

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

P. Reporting Requirements—Planned Changes

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

- The alteration or addition to the permitted facility may meet one of the criteria for determining whether a facility is a new source under ARM 17.30.1340(2); or
- The alteration or addition could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements under ARM 17.30.1343(1)(a).

Q. Reporting Requirements—Anticipated Noncompliance

The permittee shall give advance notice to DEQ of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

R. Reporting Requirements—Transfers

This permit is not transferable to any person except after notice to DEQ. DEQ may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Montana Water Quality Act. (See ARM 17.30.1360; in some cases, modification or revocation and reissuance is mandatory.)

In accordance with ARM 17.30.1360(2), this permit may be automatically transferred to a new permittee if:

- The current permittee notifies DEQ at least 30 days in advance of the proposed transfer date;
- The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;
- DEQ does not notify the existing permittee and the proposed new permittee of an intent to revoke or modify and reissue the permit. A modification may also be a minor modification under ARM 17.30.1362. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned above.

S. Reporting Requirements—Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit.

- Monitoring results must be reported on a Discharge Monitoring Report (DMR) form.
- If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.
- Calculations for all limitations that require averaging of measurements must use an arithmetic mean unless otherwise specified by DEQ in the permit.

T. Reporting Requirements—Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

U. Reporting Requirements—Twenty-four Hour Reporting

The permittee shall report any noncompliance that might endanger health or the environment. Any information must be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

- A description of the noncompliance and its cause;
- The period of noncompliance, including exact dates and times;
- The estimated time noncompliance is expected to continue if it has not been corrected; and

- Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

The following are included as information that must be reported within 24 hours under this provision:

- Any unanticipated bypass that exceeds any effluent limitation in the permit of this permit (see ARM 17.30.1342(7) and “Bypass” below);
- Any upset that exceeds any effluent limitation in the permit (see “Upset” below) and;
- Violation of a maximum daily discharge limitation for any of the pollutants listed by DEQ in this permit (see ARM 17.30.1344 and 40 CFR 122.44(g)).

**Oral notification.** The report shall be made orally to the Water Protection Bureau at (406) 444-5545 or the Office of Disaster and Emergency Services at (406) 324-4777.

**Written notification requirements.** DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau, by phone, (406) 444-5546. Written reports shall be submitted to the following address:

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

V. Reporting Requirements—Other Noncompliance

Instances of noncompliance not required to be reported within 24 hours shall be reported at the time monitoring reports are submitted. The reports shall contain the information listed above for written submissions under “Reporting Requirements—Twenty-four Hour Reporting.”

W. Reporting Requirements—Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or any report to DEQ, it shall promptly submit such facts or information.

X. Bypass

**Definitions.** ARM 17.30.1304(11) defines *bypass* as the intentional diversion of waste streams from any portion of a treatment facility. ARM 17.30.1304(53) defines *severe property damage* as substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent damage to natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

**Bypass Not Exceeding Limitations.** The permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions under “Notice” and “Prohibition of Bypass” below.

**Notice.** *Anticipated Bypass:* If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.



*Unanticipated Bypass.* The permittee shall submit notice of an unanticipated bypass as required under “Reporting Requirements—Twenty-four Hour Reporting” above.

**Prohibition of Bypass.** Bypass is prohibited and DEQ may take enforcement action against a permittee for a bypass, unless:

- The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- The permittee submitted notices as required under “Notice” above.

DEQ may approve an anticipated bypass, after considering its adverse effects, if DEQ determines that it will meet these three conditions.

#### Y. Upset

**Definition.** ARM 17.30.1304(63) defines *upset* as an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

**Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements outlined below under “Conditions Necessary for Demonstration of an Upset” below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

**Conditions Necessary for a Demonstration of Upset.** A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- An upset occurred and that the permittee can identify the cause(s) of the upset;
- The permitted facility was at the time being properly operated;
- The permittee submitted notice of the upset as required under “Reporting Requirements—Twenty-four Hour Reporting” above and
- The permittee complied with any remedial measures required under “Duty to Mitigate” above.

**Burden of proof.** In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

Z. Fees

The permittee is required to submit payment of an annual fee as set forth in ARM 17.30.201. If the permittee fails to pay the annual fee within 90 days after the due date for the payment, DEQ may:

- Impose additional fee assessment(s) computed at the rates established under 75-5-516(5)(a), MCA and ARM 17.30.201(9), or
- Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. DEQ may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this section. Suspensions are limited to one year, after which the permit will be terminated.

## VI. DEFINITIONS and ABBREVIATIONS

1. **“Act”** means the Montana Water Quality Act, Title 75, chapter 5, MCA.
2. **“Acute Toxicity”** occurs when 50 percent or more mortality is observed for either species at any effluent concentration. Mortality in the control must simultaneously be 10 percent or less for the effluent results to be considered valid.
3. **“Arithmetic Mean” or “Arithmetic Average”** for any set of related values means the summation of the individual values divided by the number of individual values.
4. **“Average Monthly Limit” (AML)** means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
5. **“Average Weekly Limit” (AWL)** means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
6. **“BOD<sub>5</sub>”** means the five-day measure of pollutant parameter biochemical oxygen demand.
7. **“Bypass”** means the intentional diversion of waste streams from any portion of a treatment facility.
8. **“Chronic Toxicity”** occurs when, during a chronic toxicity test, the 25% inhibition concentration (IC<sub>25</sub>) for any tested species is less than or equal to the percent effluent represented by the effluent concentration in the receiving water after accounting for any allowable mixing zone.
9. **“CFR”** means the Code of Federal Regulations
10. **“Composite sample”** means a sample composed of four or more discrete aliquots (samples) collected in a 24-hour period. The aggregate sample will reflect the average quality of the water or wastewater in the compositing or sample period. Composite sample may be composed of constant volume aliquots collected at regular intervals (simple composite) or flow proportioned. The aliquots shall be combined in a single container for analysis (simple composite). The time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours.
11. **“Daily Discharge”** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limits expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.
12. **“Department”** means the Montana Department of Environmental Quality (DEQ). Established by 2-15-3501, MCA.
13. **“Director”** means the Director of the Montana Department of Environmental Quality.
14. **“Discharge”** means the injection, deposit, dumping, spilling, leaking, placing, or failing to remove any pollutant so that it or any constituent thereof may enter into state waters, including ground water.

15. **"Domestic sewage"** means waste and wastewater from humans or household operations that are discharged to or otherwise enter a treatment works.
16. **"EPA"** means the United States Environmental Protection Agency.
17. **"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.
18. **"Federal Clean Water Act"** means the federal legislation at 33 USC 1251, *et seq.*
19. **"Geometric mean"** means the value obtained by taking the Nth root of the product of the measured values.
20. **"Grab Sample"** means a sample which is taken from a waste stream on a one-time basis without consideration of flow rate of the effluent or without consideration for time.
21. **"Indirect discharge"** means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Clean Water Act.
22. **"Industrial User"** means a source of Indirect Discharge.
23. **"Instantaneous Maximum Limit"** means the maximum allowable concentration of a pollutant determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.
24. **"Instantaneous Measurement"**, for monitoring requirements, means a single reading, observation, or measurement.
25. **"Interference"** means a discharge which, alone or in conjunction with other contributing discharges
  - a. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
  - b. Therefore causes a violation of any requirement of the POTW's MPDES permit (including an increase in the magnitude or duration of a violation) or causes the prevention of sewage sludge use or disposal in compliance with the following statutes and regulations: Section 405 of the Clean Water Act; 40 CFR Part 503 - Standards for the Use and Disposal of Sewage Sludge; Resource Conservation and Recovery Act (RCRA); 40 CFR Part 258 - Criteria for Municipal Solid Waste Landfills; and/or any State regulations regarding the disposal of sewage sludge.
26. **"Maximum Daily Limit"** (MDL) means the highest allowable discharge of a pollutant during a calendar day. Expressed as units of mass, the daily discharge is cumulative mass discharged over the course of the day. Expressed as a concentration, it is the arithmetic average of all measurements taken that day.
27. **"Minimum Level"** (ML) means the lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that all method-specified sample weights, volumes, and cleanup procedures have been employed.
28. **"Mixing zone"** means a limited area of a surface water body or aquifer where initial dilution of a discharge takes place and where certain water quality standards may be exceeded.
29. **"Nondegradation"** means the prevention of a significant change in water quality that lowers the quality of high-quality water for one or more parameters. Also, the prohibition

of any increase in discharge that exceeds the limits established under or determined from a permit or approval issued by DEQ prior to April 29, 1993.

30. "**Number of Organisms/100 mL**" is a measurement of pathogens and is equivalent to either cfu/100 mL (colony-forming units per 100 milliliters) or MPN (most probable number).
31. "**Outfall**" means the place where a point source discharges effluent into the receiving water. For each outfall, there typically is at least one monitoring location. Although the monitoring location might or might not be at the actual point of discharge, samples taken at the monitoring location should be representative of the discharge.
32. "**Outstanding resource waters**" means state surface waters located wholly within the boundaries of areas designated as national parks or national wilderness areas as of October 1, 1995; or other surface waters or ground waters classified by the department under the provisions of 75-5-316 and approved by the legislature.
33. "**Pass Through**" means a discharge which exits the POTW into waters of the State of Montana in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of any requirement of the POTW's MPDES permit (including an increase in the magnitude or duration of a violation).
34. "**Percent removal**" means a percentage expression of the removal efficiency across a treatment plant for a given pollutant parameter, as determined from the average values of the raw wastewater influent pollutant concentrations to the facility and the average values of the effluent pollutant concentrations for a given time period.
35. "**Publicly-owned treatment works**" (POTW) means any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature that is owned by a state or municipality. This definition includes: sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.
36. "**Required Reporting Values**" (RRVs) means the values listed in department Circular DEQ-7. RRVs are the required minimum levels (see definition above) that must be achieved in reporting all monitoring results unless otherwise specified in this permit.
37. "**Regional Administrator**" means the administrator of Region VIII of EPA, which has jurisdiction over federal water pollution control activities in the state of Montana.
38. "**Severe property damage**" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
39. "**Sewage sludge**" means any solid, semi-solid or liquid residue generated during the treatment of domestic sewage and/or a combination of domestic sewage and industrial waste of a liquid nature in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the incineration of sewage sludge or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

40. **“Significant biological treatment”** means the use of an aerobic or anaerobic biological treatment process in a treatment works to consistently achieve a monthly average of at least 65 percent removal of BOD<sub>5</sub>.
41. **"Significant industrial user,"** means:
- (i) all industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N (CIUs); and
  - (ii) any other industrial user that:
    - discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary noncontact cooling and boiler blowdown wastewater); or
    - contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - is designated as such by the control authority as defined in ARM 17.30.1410(1) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with ARM 17.30.1411(7)).
42. **“State waters”** means any body of water, irrigation system or drainage system either on the surface or underground. State waters do not include ponds or lagoons used solely for treating, transporting, or impounding pollutants; or irrigation waters or land application disposal waters when the waters are used up within the irrigation or land application disposal system and the waters are not returned to state waters.
43. **“Sufficiently Sensitive”** – An analytical chemical-specific test method is sufficiently sensitive when the method minimum level (ML) is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or the method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter.
44. **"TMDL"** means the total maximum daily load limitation of a parameter, representing the estimated assimilative capacity for a water body before other designated uses are adversely affected. Mathematically, it is the sum of wasteload allocations for point sources, load allocations for non-point and natural background sources, and a margin of safety.
45. **"TSS"** means the pollutant parameter total suspended solids.
46. **"Upset"** means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
47. **“Wastewater lagoon system”** means individually or any combination of waste stabilization pond(s), oxidation pond(s), facultative pond(s), aerated pond(s), aerobic or anaerobic pond(s), or similar treatment system. This may also be referred to as “wastewater treatment lagoon system,” “wastewater treatment lagoon facility,” “facility” and/or be inclusive of the wastewater collection system.