

Response to Public Comments
Disinfected Water & Hydrostatic Testing General Permit
MPDES Permit No. MTG770000

The Montana Department of Environmental Quality (DEQ) issued Public Notice MT-25-09 on September 22, 2025, providing the tentative determination to issue a statewide wastewater discharge permit renewal for the Disinfected Water & Hydrostatic Testing (DWHT) General Permit under Montana Pollutant Discharge Elimination System (MPDES) permit MTG770000. The public notice package included the draft permit, fact sheet, and draft environmental assessment.

The notice required that all written comments be received or postmarked by October 23, 2025, to be considered in formulation of the final determination and issuance of the permit; this deadline was subsequently extended to November 6, 2025, for EPA comment, consistent with the Memorandum of Agreement between DEQ and EPA. A public hearing was held on October 23, 2025, in Helena, Montana to accept public comments on the draft permit. No oral comments were received at the hearing. DEQ received written comments from the parties in the table below.

This Response to Comments document includes a summary of comments received and responses to substantive comments received during the public comment period. DEQ has considered the following comments in preparation of the final permit and decision. Duplicative comments (e.g., the same comment received from the same commenter during both comments received and public hearing, or the same or similar comment received from different commenters) are only addressed once in the Response to Comments document.

Copies of the original comment letters are available from DEQ upon request. This Response to Comments is an addendum to and supersedes relevant portions of the Fact Sheet to the extent further explanation is provided or any changes to the permit are described herein.

Please note DEQ made two typographical corrections to the Final Permit.

- DEQ will restore the TSS exemption footnote for short-term hydrant flushing in Tables 1a and 2a.
- DEQ will revise the pH reporting footnote to require minimum and maximum reporting.

List of Persons Submitting Comments on Draft MPDES Permit MTG770000	
Number	Commenter
1	Susie Turner, PE, Director of Public Works, City of Kalispell
2	Frank Greenhill, Stormwater Program Specialist, City of Bozeman
3	Erin Mooer, Environmental Compliance Coordinator, Billings Public Works
4	Erik Makus, Clean Water Branch, Wastewater Section, U.S. EPA Region 8, Montana Office

Summarized Comments on Draft MPDES Permit MTG770000

Comments 1-5 Susie Turner, PE, Director of Public Works, City of Kalispell

Comment 1 – Hydrant flushing and permit scope

The commenter asserts that routine, short-term hydrant flushing is a vital public health and safety practice with minimal environmental impact when BMPs are implemented. The commenter contends that, for MS4 permittees, hydrant flushing has already been evaluated as a non-significant discharge and is adequately controlled under MS4 good-housekeeping BMPs, so requiring DWHT coverage is duplicative and contrary to DEQ's mission. Kalispell requests explicit language excluding short-term hydrant flushing for maintenance of public water supply systems from DWHT permit coverage and argues that hydrant flushing conducted under an MS4 permit does not meet the statutory definition of "pollution" in MCA 75-5-103(20)(b).

Response to Comment 1:

DEQ appreciates the operational importance of hydrant flushing and recognizes that properly implemented dechlorination and erosion-control BMPs can substantially reduce the risk of adverse water quality impacts from these discharges.

However, DEQ does not agree that designating hydrant flushing as a "non-significant discharge," within an MS4 program automatically exempts those discharges from MPDES permitting requirements. The "non-significant discharge" concept is an internal MS4 program administration tool used to prioritize and manage different categories of non-stormwater discharges; it does not alter the statutory definition of "pollution" or DEQ's authority and obligation to issue discharge permits where required under the Montana Water Quality Act (MWQA) and the federal Clean Water Act.

DEQ does not interpret the statutory definition of "pollution" at MCA 75-5-103(28)(b) to mean that any discharge mentioned in an MS4 permit is automatically no longer "pollution" and therefore exempt from MPDES permitting. That subsection excludes from the definition of "pollution" only those discharges that are already authorized under the department's pollution discharge permit rules, including the MPDES rules in ARM 17.30.12 and 17.30.13. An MS4 permit is itself an MPDES permit for discharges from a municipal separate storm sewer system, but it does not by itself authorize every individual non-stormwater point source that enters the system unless those discharges are explicitly addressed and controlled under permit conditions consistent with state and federal law.

After evaluating the record, DEQ has determined that, following the reissuance of the MS4 general permit, it is reasonable to rely on the MS4 permit framework for a narrow subset of routine, short-term hydrant flushing discharges provided that: (1) the MS4 permittee's good-housekeeping/BMP program specifically addresses hydrant flushing; (2) BMPs are implemented to dechlorinate flows and prevent erosion and mobilization of sediment at the point of discharge; (3) the MS4 permittee maintains documentation of BMP implementation; and (4) the MS4 permittee conducts representative monitoring of total residual chlorine at the frequency indicated by the MS4 general permit upon renewal during periods when short-term monitoring flushing occurs reported to netDMR according to the terms described in the MS4's authorization letter.

For hydrant-flushing activities that are not covered under a qualifying MS4 permit program, such as discharges from non-MS4 systems, or MS4 discharges where hydrant flushing is not addressed and controlled through BMPs, the underlying legal and regulatory requirements remain unchanged. Those

discharges are still point sources to state waters and must be covered either under the DWHT General Permit or another appropriate MPDES authorization, consistent with the MWQA and implementing rules.

No changes were made to the draft permit or EA in response to this comment.

Comment 2 – TRC reporting level feasibility

The commenter opposes lowering the TRC reporting level from 0.1 mg/L to 0.05 mg/L. They state that common field colorimeters have a low-range limit of 0.1 mg/L, with precision of approximately ± 0.04 mg/L, and that natural groundwater may yield apparent readings between 0.01–0.04 mg/L, making 0.05 mg/L effectively within instrument error. They argue that achieving and verifying TRC below this level would require costly laboratory-grade equipment and would mainly generate additional non-detect results without improving protection of state waters.

Response to Comment 2: MPDES permittees must use sufficiently sensitive analytical methods to quantify pollutants in their discharges. An EPA-approved method is sufficiently sensitive when:

- A. The method minimum level is at or below the level of the applicable water quality criterion or permit limitation for the measured pollutant or pollutant parameter; or
- B. In the case of permit applications, the method minimum level is above the applicable water quality criterion, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or
- C. The method has the lowest minimum level of the EPA-approved analytical methods.

The reduced reporting level for monitoring from 0.1 mg/L to 0.05 mg/L is based on the typical low-range method detection limits (MDLs) for common field chlorine meters using EPA-approved methods to test total residual chlorine. Examples of widely used handheld TRC meters include the Hach DR300 (total chlorine low-range method, field range down to approximately 0.02 mg/L with 0.01 mg/L resolution), the Hanna HI 711 Total Chlorine Checker (range 0.00–3.50 mg/L, resolution 0.01 mg/L, accuracy ± 0.03 mg/L $\pm 3\%$ of reading at 25 °C), and the Extech CL200 ExStik (range 0.01–10.00 mg/L, accuracy $\pm [10\%$ of reading + 0.01 mg/L] from 0.05–5.00 mg/L), all of which are designed for field use and can reliably quantify TRC at or below 0.05 mg/L. These instruments demonstrate that a 0.05 mg/L reporting level is within normal field capability.

40 CFR 122.41(i)(1) and Section II. Part B of the DWHT General Permit state, “samples collected and analyzed must be representative of the volume and nature of the facility's discharge.” If groundwater is interfering with readings, it may be necessary to isolate and eliminate the cause of matrix interference to achieve representative results for inclusion in DMRs. Field meters typically include guidance for addressing matrix interference, and collecting samples at appropriate monitoring locations can ensure test results are representative of the volume and characteristics of the facility's discharge (see Response to Comment 4 regarding monitoring location).

The reporting level for TRC monitoring will remain at 0.05 mg/L in this permit. This is consistent with EPA's 2022 NPDES General Permit for Wastewater Lagoon Systems (NPDES Permit No. MTG589).

No changes were made to the draft permit or EA in response to this comment.

Comment 3 – TSS limits and hydrant-flushing exclusions

Kalispell objects to removal of the TSS limit and sampling exclusions for short-term hydrant flushing that

were included as footnotes in the prior DWHT permit. They assert that TSS observed at outfalls during flushing originates from existing debris in the storm system, not from the potable water, and that erosion and sediment control for such discharges is already addressed under the MS4 permit. Kalispell requests reinstatement of the TSS exclusion for short-term hydrant flushing in both the effluent-limit and monitoring tables.

Response to Comment 3:

DEQ will restore the TSS exemption footnote for short-term hydrant flushing in Tables 1a and 2a.

The TSS exclusion was not removed. Because there was no requirement to report TSS data for hydrant-testing activities on the discharge monitoring report (DMR), the related footnotes were removed as it was considered unnecessary. However, the explanation for this change was inadvertently omitted from Section I, Part B of the Proposed Permit Changes in the Fact Sheet. For clarity and completeness, the decision to remove the footnotes will be reversed.

Comment 4 – Monitoring locations and practicality

Kalispell expresses concern that the “end of discharge pipe” monitoring language effectively requires sampling at distant storm outfalls, which may be on private property and difficult to access during short-term hydrant flushing. They explain that staff currently monitor at the nearest downstream storm inlet, where TRC is typically non-detect, and state that sampling at multiple outfalls for each flushing event would be logistically infeasible and divert staff from essential operations.

Response to Comment 4:

DEQ will specify that for hydrant flushing specifically the appropriate sampling location is the last point of operational control before the inlet.

The monitoring-location language in the DWHT General Permit is intentionally written to address the wide range of operations and discharges covered under this permit. The Department will add the sentence “For hydrant flushing, permittees shall monitor the effluent quality at the last point of operational control before the inlet” in Section II, Part B of the permit.

Comment 5 – Coverage consistency and equity

Kalispell reviews DEQ’s public data and concludes that only a small fraction of chlorinating public water systems hold DWHT authorization, with MS4 cities disproportionately represented. They argue this reflects inconsistent application of the permit and an uneven regulatory burden and contend that, if short-term hydrant flushing continues to be regulated under DWHT, it should be regulated consistently across all chlorinated systems or else excluded from DWHT and managed through other mechanisms.

Response to Comment 5:

The permit requires all new discharges to submit a complete Notice of Intent (NOI) package at least 30 days prior to discharge and the program relies on the good-faith efforts of applicants to comply with this requirement.

If members of the public observe a potential violation or wish to report pollution, DEQ provides an online reporting tool at deq.mt.gov, or they may contact the Enforcement Division directly at (406) 444-0379.

Comments 6–9: Frank Greenhill, Stormwater Program Specialist, City of Bozeman

Comment 6 – MS4-based exemption for hydrant flushing

Bozeman supports excluding hydrant flushing discharges from the DWHT permit when they occur within

a regulated MS4 and are controlled by documented SOPs and BMPs. They propose an exemption conditioned on: discharge to an MS4, development and implementation of SOPs, implementation of an SOP/BMP training program, and avoidance of downstream impacts. Bozeman notes that several other states allow hydrant flushing to be governed by MS4 permits as a non-significant discharge when subject to local controls.

Response to Comment 6:

See response to Comment 1. No changes were made to the draft permit or EA in response to this comment.

Comment 7 – Operational impacts of DWHT on municipal water systems

Bozeman states that the draft DWHT permit would significantly increase costs and operational complexity for municipal water systems and may reduce hydrant flushing frequency, with potential negative impacts on drinking-water quality, hydrant reliability, and fire insurance ratings. They contend that these impacts are not commensurate with the environmental risk of properly managed potable-water discharges.

Response to Comment 7:

See responses to Comments 2 and 4.

Comment 8 – TRC reporting level

Bozeman opposes the reduced TRC reporting level of 0.05 mg/L. They note that TRC is a non-priority pollutant in federal and state criteria and that other states maintain a 0.1 mg/L reporting level. They explain that Bozeman's field colorimeters have a low-range limit of 0.1 mg/L and that lowering the reporting level would require purchasing new equipment without providing meaningful new information.

Response to Comment 8:

DEQ will retain the TRC reporting level of 0.05 mg/L in the final permit.

The pollutants developed on the Priority Pollutant List are not the only pollutants regulated under the Clean Water Act (CWA). When developing Effluent Guidelines, EPA and the State evaluate toxic, conventional, and nonconventional pollutants. Total Residual Chlorine (TRC) is classified as a nonconventional pollutant and is highly toxic to aquatic life. As a result, the CWA requires effluent guidelines and application of Best Available Technology (BAT) to prevent harmful discharges to U.S. Waters and ensure consistent national and state standards.

See also response to Comment 2.

Comment 9 – TSS monitoring and monitoring location for hydrant flushing

Bozeman requests reinstatement of the TSS monitoring exemption for hydrant flushing activities, arguing that potable water is inherently low in TSS and that laboratory-based TSS sampling for flushing would be costly and slow without improving water-quality protection. They also state that the phrase "end of the discharge pipe" is unclear and request revised language allowing monitoring at a point between the hydrant and surface waters based on dechlorination contact time.

Response to Comment 9:

See response to Comment 3 and 4.

Comments 10–11: Erin Mooer, Environment Compliance Coordinator, City of Billings

Comment 10 – TRC reporting level and equipment costs

Billings comments specifically on the proposed lower TRC reporting level, stating that meeting a 0.05 mg/L reporting level would require purchasing multiple additional chlorine meters for different operational teams and laboratories. They emphasize that what appears to be a minor numeric adjustment has significant cost and logistical implications for permittees.

Response to Comment 10:

See response to Comment 2.

Comment 11 – Alternative “non-detect” approach

Billings suggests that DEQ set the TRC standard as “non-detect” using existing field meters rather than establishing a lower numeric reporting level, stating that this approach is feasible with current equipment and would avoid the need for widespread meter replacement.

Response to Comment 11:

DEQ will retain the TRC effluent limit of 0.002 mg/L and the reporting level of 0.05 mg/L retaining the condition that if reporting non-detect, analysis must achieve 0.05 mg/L or lower to be considered in compliance with the limit of the permit. This maintains compliance with anti-backsliding requirements at 40 CFR 122.44(l) and ARM 17.30.1344.

The Clean Water Act section 402(o) and federal regulations at 40 CFR 122.44(l) prohibit the renewal, reissuance, or modification of an existing permit that contains effluent limitations, permit conditions, or standards that are less stringent than those established in the previous permit. These regulations are incorporated by reference in the Administrative Rules of Montana at ARM 17.30.1344(b).

For monitoring and reporting requirements, reporting “non-detect” using EPA approved field meters is in compliance with permit conditions provided the reporting level is 0.05 mg/L or lower, as specified in Tables 1a and 1b of Section II, Part A (footnote number 2), and in Tables 2a and 2b of Section II, Part B, (footnote number 4) of the draft permit.

See also response to Comment 2.

Comments 12–13: Erik Makus, U.S. EPA Region 8**Comment 12 – Narrative water-quality standards, “end-result” provisions, and anti-backsliding**

EPA notes that DEQ removed prior permit conditions prohibiting floating solids, visible foam (other than in trace amounts), visible oil sheen, and objectionable sludge deposits or emulsions. EPA states that, when such conditions are removed, the record must demonstrate how narrative water-quality standards in ARM 17.30.637 will still be achieved and how anti-backsliding requirements in 40 CFR 122.44(l) are satisfied. EPA further explains that the prior condition regarding floating solids and foam is a discharge-based narrative effluent limit, not an impermissible “end-result” receiving-water condition, and could be retained or revised consistent with *San Francisco v. EPA*. EPA suggests that the remaining conditions could be reframed as discharge-based narrative requirements or supported with numeric limits (e.g., turbidity, oil and grease, TSS) that ensure protection of the same underlying water-quality standards.

Response to Comment 12:

DEQ agrees that narrative water quality standards must be maintained in the reissued DWHT general permit and has revised the permit to retain these protections in a manner consistent with City and County

of San Francisco v. EPA. In the final permit, DEQ restored and clarified the narrative effluent conditions and discharge-based limits in Part II.A. as follows:

“The discharge shall not contain floating solids or visible foam other than in trace amounts.
The discharge shall not contain observable films, sheens, or discolorations from oil and grease.
The discharge shall not contain observable sludge deposits, emulsions, or other settleable solids in excess of applicable numeric effluent limitations.”

These conditions apply directly to the quality of the effluent at the outfall rather than to the condition of the receiving water and therefore function as narrative effluent limitations, not “end result” receiving water provisions, consistent with the Supreme Court’s distinction in San Francisco.

The restored and revised narrative effluent limits, in combination with the existing numeric limitations for total residual chlorine, total suspended solids, pH and oil and grease and the best management practice and corrective-action requirements in Part II.C, continue to implement and protect the narrative standards in ARM 17.30.637(1), including the prohibitions on floating solids, visible foam, oil and grease, and sludge or other objectionable deposits. Because the previous permit contained substantially similar narrative effluent limitations and the final permit retains these requirements in discharge-based form, the reissued general permit is not contrary to anti-backsliding requirements at 40 CFR 122.44(l) and ARM 17.30.1344.

Comment 13 – pH reporting requirements

EPA points out that the draft permit’s footnote requiring all parameters to be reported as a daily maximum is inconsistent with the way pH limits function in the permit, which specifies instantaneous minimum and maximum values. EPA recommends that the permit require reporting of pH minimum and maximum over the reporting period, consistent with 40 CFR 122.44(i)(1)(i) and 40 CFR 122.48(b).

Response to Comment 13:

DEQ revised the pH reporting footnote to require minimum and maximum reporting in response to this comment.

The language regarding pH minimum and maximum was inadvertently omitted from footnote 1 in Table 2a and 2b. This has been corrected to read: “All parameters must be reported as daily maximum except pH, which should be reported as daily maximum and daily minimum if more than one sample is collected.”

End of Comments