

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

**GENERAL PERMIT
FOR
STORMWATER DISCHARGES ASSOCIATED WITH SMALL
MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s)**

PERMIT NUMBER MTR040000

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

In compliance with Section 75-5-101 *et seq.*, Montana Code Annotated (MCA); Administrative Rules of Montana (ARM) 17.30.1101; 17.30.1301 *et seq.*; and ARM 17.30.601 *et seq.*, applicants with an authorization letter issued under this *General Permit for Stormwater Discharges Associated with Small Municipal Separate Storm Sewer Systems (Small MS4s)* are permitted to discharge stormwater resulting only from Small MS4s in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This Permit shall become effective [EFFECTIVE DATE].

This Permit and the authorization to discharge shall expire at midnight, [EXPIRATION DATE].

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY

DRAFT
Tatiana Davila, Chief
Water Protection Bureau

Issuance Date: DRAFT

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1. Coverage Under This General Permit

Montana Pollutant Discharge Elimination System (MPDES) General Permit MTR040000 is a sixth generation Comprehensive General Permit for Stormwater Discharges Associated with Small Municipal Separate Storm Sewer Systems (MS4s).

1.1. Coverage Area of Permitted MS4s

Consistent with ARM 17.30.1101 through 17.30.1107 and 40 CFR 122.26, coverage applies to designated small MS4s as defined in ARM 17.30.1102(23) and federal Phase II regulations. This permit covers areas that are served by, or contribute to, municipal separate storm sewers that discharge to state waters as follows:

1.1.1. Traditional MS4s

Geographic areas of permit coverage for cities and counties listed in ARM 17.30.1102(23)(a) include the U.S. Census designated urban areas in accordance with the most recent census. For cities designated under ARM 17.30.1102(23)(b), the area of permit coverage includes the entirety of the municipal incorporated boundary.

1.1.2. Non-Traditional MS4s

For all other permitted MS4s as identified in accordance with ARM 17.30.1102(23)(d), the geographic areas of permit coverage are the portion of the permittee's site or facilities within the permitted Traditional MS4 and that are part of its municipal separate storm sewer system.

For MDT, as a non-traditional MS4, permit coverage is further defined as covering areas of the Montana state highway system and the associated rights-of-way, as well as any properties that are permittee-owned and operated, within a Traditional MS4 permittee's permit area.

Coverage under this permit is required for all non-traditional MS4s that are (1) identified as small MS4s in ARM 17.30.1102(23)(d) based on urban area determinations for the latest decennial census and located within the permit area of Traditional MS4s, or (2) designated as small MS4s by DEQ under ARM 17.30.1107. Under ARM 17.30.1105(1)(d) and 17.30.1107, DEQ will provide official written notice to the owner or operator when a non-traditional MS4 is identified or designated as subject to permit requirements.

1.2. Eligibility for Coverage

Regulated Small MS4s are required to apply for, and obtain, authorization for discharges of stormwater into state waters. Stormwater is defined at 40 CFR § 122.26(b)(13), and at ARM 17.30.1102(27), and means stormwater runoff, snow melt runoff, and surface runoff and drainage. This General Permit does not authorize or supersede permitting requirements for stormwater discharges associated with industrial or construction activity, or discharges covered under another MPDES permit. This General Permit does not relieve the permittee from any other statute, regulation, permit, or other regulatory requirements for activities occurring within their area, not associated with permitted stormwater discharges from Small MS4s.

1.3. Ineligibility for Coverage

DEQ may deny an application for discharges under this General Permit for any of the following:

- The discharge is unable to comply with:
 - Effluent limits or other terms and conditions of the permit, including those listed in the Special Conditions;

- Water quality standards; or
 - Discharges that the regional administrator has objected to in writing.
- The discharge is different in degree or nature than those reasonably expected from sources or activities described in this General Permit.
- The same operation has previously been denied or revoked an MPDES permit or authorization.
- The discharge is also included within an application, or is subject to review under, the Major Facility Siting Act.
- The point source is, or will be, located in an area of unique ecological or recreational significance based upon:
 - Montana stream classifications;
 - Impacts on fishery resources;
 - Local conditions at proposed discharge sites; and
 - Areas designated wilderness or wild and scenic rivers.
- The discharge is from process wastewater regulated by federal effluent limit guidelines or new source performance standards. Process wastewater is defined as any water, which during manufacturing or processing, comes into direct contact with, or results from the production or use of, any raw material, intermediate product, finished product, byproduct, or waste product.
- Any additional requirements DEQ determines are necessary to carry out the provisions of 75-5-101, et seq., MCA.

1.4. Requirements for Authorization

Owners or operators of Small MS4s must apply for coverage under this General Permit by completing and submitting a full application package. A complete application package includes an NOI form (provided by DEQ), applicable fees (specified in ARM 17.30.201), and any additional items listed in Parts 1.4.1 and 1.4.2, below.

If there are deficiencies with the application package, DEQ may deny authorization under this permit or contact the MS4 for additional information necessary to meet requirements. If the request for coverage is denied, the applicant may withdraw the request or modify the MS4's operations to meet the conditions of this permit and re-apply. If the applicant is denied authorization under this general permit and does not withdraw the request for coverage, DEQ may inform the applicant that coverage under an individual MPDES permit is required. The applicant must then submit a complete individual MPDES permit application, including applicable forms, fees, and supporting information, in accordance with DEQ permitting procedures. DEQ will notify the applicant of the basis for ineligibility and the steps necessary to seek individual permit coverage.

Small MS4s eligible for coverage will be issued a letter of authorization confirming coverage under this 2027 General Permit. Submittal of the application package and receipt of an authorization letter does not eliminate a permittee's obligation to obtain other necessary permits, including MS4-related activities that utilize the storm sewer system as a conveyance for non-stormwater discharges.

Permittees may apply as co-permittees. Co-permittee authorizations are when multiple Small MS4s apply for coverage under a single permit authorization number. They shall be jointly responsible for compliance under the General Permit. Each co-permittee must submit a separate application package to obtain authorization, unless formal written shared responsibilities allow another entity to complete the application package obligations.

1.4.1. New Applicants

An owner or operator of a small MS4 identified or designated by DEQ must apply for authorization under this permit within 180 days after receiving DEQ's notice of designation, unless DEQ specifies a later date, pursuant to ARM 17.30.1111(1)(b), including:

- A completed Notice of Intent Application Form, including all required attachments, using the NOI-04 form provided by DEQ;
- Applicable application fees; and
- A copy of the storm sewer map(s) extending one mile beyond MS4 boundaries submitted electronically via GIS shapefiles, hard copy PDFs, or reference to available online maps. Mapping elements are provided in Part 2.3.2.1.
 - The initial storm sewer map(s) submittal must, at a minimum, identify the proposed permit coverage boundary, state surface waters that are located within, flow through, or are known to receive stormwater discharges from the MS4, and include a narrative describing the permittee's plan to complete all required mapping elements by the end of the second year following authorization.

Based on the status of the newly designated MS4's stormwater program, DEQ has provided a compliance schedule regarding the comprehensive requirements in this General Permit, detailed within each Minimum Control Measure (MCM) below. At a minimum, an unregulated MS4 seeking coverage that has not been previously authorized will be required to:

- Develop, implement, and enforce a Stormwater Management Program (SWMP) in accordance with the compliance schedule no later than five years from the initial date of permit authorization.
- Self-monitor starting three years from the date of authorization, providing flexibility for the permittee to establish a stormwater monitoring program.

The compliance schedule for newly designated MS4s is further clarified below:

- End of 1st Permit Year: December, 2027
- End of 2nd Permit Year: December, 2028
- End of 3rd Permit Year: December, 2029
- End of 4th Permit Year: December, 2030
- End of 5th Permit Year: December, 2031

If a permittee cannot complete a required BMP within the compliance schedule provided, the permittee must notify DEQ and a revised compliance schedule may be established.

1.4.2. Continued Coverage

Permittees seeking continued coverage shall submit a complete **application** package within 30 days of the effective date of this General Permit including:

- A completed Notice of Intent Application Form, including all required attachments, using the NOI-04 form provided by DEQ;
- Applicable renewal fees;
- A copy of the storm sewer map(s) extending one mile beyond MS4 boundaries submitted electronically via GIS shapefiles, hard copy PDFs, or reference to available online maps; and
- A link to the MS4's current stormwater website and the most current version of the Stormwater Management Program (SWMP).

2. Effluent Limits and Monitoring Requirements

Under this General Permit, discharges containing pollutants associated with Small MS4s will be controlled through the development, implementation, and enforcement of a written Stormwater Management Program (SWMP). The SWMP shall be designed to implement Best Management Practices (BMPs) and reduce the discharge of pollutants from the permitted Small MS4 to the maximum extent practicable (MEP). Implementation of the SWMP consistent with the requirements of this General Permit shall constitute compliance with reduction of pollutants to the MEP and satisfy the appropriate water quality requirements of the Montana Water Quality Act (MWQA).

2.1. Stormwater Management Program (SWMP)

The permittee must develop, document, maintain and implement a SWMP which includes management practices, control techniques, system designs, good standard engineering practices, and such other provisions necessary to reduce the discharge of pollutants from the permitted Small MS4 to the MEP. This section describes the minimum required BMPs for implementation. DEQ requires BMPs that are selected, designed, installed, implemented, inspected, and maintained (or replaced based on inspections) in accordance with good engineering, hydrologic, and pollution control practices. Permittees are encouraged to utilize the SWMP Template provided by DEQ and available on our website at <https://deq.mt.gov/water/Programs/mpdes>.

The permittee shall effectively manage a stormwater program inclusive of the six Minimum Control Measures (MCMs): Public Education, Outreach, Involvement, and Participation; Illicit Discharge Detection & Elimination; Construction Site Stormwater Management; Post-Construction Site Stormwater Management in New and Redevelopment; and Pollution Prevention/Good Housekeeping for Permittee Operations. Permittees must retain documentation, specifications, and standard operating procedures used for BMP selection in accordance with the MCMs listed below.

The permittee shall effectively implement a stormwater program inclusive of a stormwater management team, comprised of persons responsible for implementation of the SWMP. During the entire permit term, all permittees must establish, document, and execute formalized mechanisms for regular communication (meetings, email updates, etc.) between stormwater management team members to allow for exchange and submittal of information necessary to ensure permit compliance and timely reporting. The stormwater management team shall be developed to include a primary SWMP coordinator, as well as an organizational chart, placed at the front of the SWMP prior to any Minimum Control Measure (MCM) documentation, which identifies the position(s) responsible for implementing each MCM. The team organizational chart shall be reviewed annually and updated to reflect current roles and responsibilities. Updates shall be made in accordance with Part 2.10.1 (SWMP Updates).

DEQ may require changes to the SWMP as needed to:

- Address impacts on receiving water quality caused, or contributed to, by discharges from the Small MS4.
- Include more stringent requirements necessary to comply with new federal statutory or regulatory requirements.
- Include other conditions deemed necessary by DEQ to comply with the goals and requirements of the Montana Water Quality Act.
- Update BMPs to improve program effectiveness based on information and/or data submitted in the permittee's Annual Report Package.

Changes requested by DEQ must be made in writing, provide a schedule for the permittee to develop the changes and update their program, and offer the permittee the opportunity to propose alternatives to meet the objective of the requested changes.

All permittees shall comply with the following MCMs and document any updates annually. Implementation of required BMPs shall be documented in the permittee's SWMP, including updates and rationale for decision making. Documentation of updates shall be made in accordance with Part 2.10.1. (SWMP Updates), and the updated SWMP shall be submitted annually in accordance with Part 2.10.2. (Annual Report Package).

2.2. Minimum Control Measure 1 & 2: Public Education, Outreach, Involvement, and Participation

2.2.1. Minimum Requirement #1:

Develop and continue to utilize the permittee's stormwater website for public involvement.

2.2.1.1. Best Management Practice #1:

Annually review and update a stormwater website that, at a minimum, includes the following:

- A copy of, or link to, this General Permit
- A copy of the Notice of Intent application form submitted to DEQ, including all supplemental information
- Access to outreach strategy information and materials
- Applicable outreach event information
- Most current version of the SWMP and any supporting documents
- At a minimum, five years of most recent Annual Report Packages submitted to DEQ
- A mechanism for providing public input for the SWMP including contact information and directions for comments, questions, and complaints
- Information regarding how to identify and report illicit discharges and submit related stormwater complaints
- Permittee requirements for construction and post-construction activities
- The above information must be posted on the permittee's website within 90 days of the effective date of this General Permit.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 1st Permit Year.

2.2.1.2. Best Management Practice #2:

Provide a minimum of one opportunity annually for the public to provide comments on the SWMP. Document all relevant input, responses, and SWMP modifications made as a result.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: During 2nd, 3rd, 4th, and 5th Permit Years.

2.2.2. Minimum Requirement #2:

Determine key target audiences most appropriate for stormwater education and outreach.

2.2.2.1. Best Management Practice #1:

Annually review and identify, at a minimum, four key target audiences for stormwater education and outreach.

All permittees shall include Residents and the Construction and Development Industry as baseline key target audiences, which together fulfill two of the minimum four required key target audiences. For transportation MS4s operated by the Montana Department of Transportation, the baseline key target audience requirement applies to the Construction and Development Industry only.

Residents include individuals who reside within the MS4 boundary or who regularly occupy or are present within the MS4 such that their routine activities are functionally similar to residential activities with respect to stormwater quality. The Construction and Development Industry includes owners, operators, developers, contractors, engineers, site-personnel, and other parties responsible for the following activities:

- Ground disturbance or other potential pollutant sources related to construction activity where a stormwater discharge to state surface waters can occur;

- Construction activity disturbing a total area of greater than or equal to one acre; and
- Construction activities including clearing, grading, excavation, stockpiling earth materials, and other placement or removal of earth material performed during construction projects.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 1st Permit Year.

2.2.2.2. Best Management Practice #2:

For each selected key target audience, including the baseline key target audiences, the permittee shall document, at a minimum:

- The stormwater pollutants and pollutant constituents commonly associated with the audience within the MS4; and
- A brief description of the basis for selecting the audience, describing how the audience's activities, behaviors, or decision points are connected to stormwater quality or to the effective implementation of the MS4 SWMP within the permittee's system.

The basis for audience selection shall be grounded in one or more of the following, as applicable to the permittee's MS4: pollutant exposure pathways; direct or indirect connections to the MS4; seasonal or operational drivers of pollutant mobilization; recurring illicit discharge, inspection, or maintenance issues; or the role of education, outreach, stewardship, or public participation in supporting stormwater quality objectives or effective implementation of the MS4 SWMP.

Review documentation annually in coordination with Part 2.2.2.1. (above). Update as necessary based on key target audience selection. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: End of 1st Permit Year.

2.2.3. Minimum Requirement #3:

Identify and develop outreach formats, distribution channels, and messages for each key target audience and associated stormwater polluting behavior. Include approaches for involving the public in SWMP development and implementation.

2.2.3.1. Best Management Practice #1:

For each key target audience, select a minimum of one outreach strategy listed below. At least two outreach strategies must be active.

Passive Outreach Strategies:

- Advertisements
- Brochures/Fliers
- Business Specific Emails
- Community Artwork/Murals
- Educational Signage
- Informative Articles or Stories
- Pet Waste Stations
- Social Media
- Sponsorship of Community Events

- Targeted Door Hangers
- Utility Bill Inserts
- Vehicle Wraps

Active Outreach Strategies:

- Cleanup Days/Events
- Community Meetings/Presentations
- Community Stormwater Surveys
- Formation of a Citizen Stormwater Advisory Panel
- Hosting of an AmeriCorps or Similar Volunteer/Intern Position
- Industry Specific Training
- Participation in Community Events
- Public Tours
- Public Workshops
- Rain Garden Adoption/Building Program
- Storm Drain Adoption Program
- Student Outreach/Class Work
- Water Quality Monitoring with Citizen Volunteers

Note: DEQ may approve or require additional outreach strategies.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 1st Permit Year.

2.2.3.2. Best Management Practice #2:

Each year, the permittee must implement at least four activities. The activities can be the same or different from year to year. For each key target audience, identify the outreach strategies and planned timeframe for implementation for the upcoming year.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: During 2nd, 3rd, 4th, and 5th Permit Years.

2.2.4. Minimum Requirement #4:

Distribute and/or perform outreach to target audiences and track performance/ public involvement.

2.2.4.1. Best Management Practice #1:

Implement the identified outreach strategies (from Part 2.2.3.1., above) for each key target audience.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: During 2nd, 3rd, 4th, and 5th Permit Years.

2.2.4.2. Best Management Practice #2:

For each key target audience and their associated outreach strategy, document participation and feedback using one or more of the performance tracking methods listed below:

Performance Tracking Methods:

- Community Surveys
- Illicit Discharge Events

- Percent of Population Reached
- Performance Audits
- Total Distribution
- Total Event Participants
- Total Weight Collected
- Website Analytics
- Social Media Post Analytics
- Behavior Change

DEQ may approve or require additional performance tracking methods.

Note: Social Media Post Analytics should include basic engagement analytics sufficient to evaluate reach and audience interaction and not be limited to screenshots, photographs, or raw post counts alone.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: During 2nd, 3rd, 4th, and 5th Permit Years.

2.2.4.3. Best Management Practice #3:

Maintain records on selected key target audiences, outreach strategies, and performance tracking methods. Use the resulting information and/or measurements when identifying the outreach strategies and planned timeframe for implementation of activities required under Part 2.2.3.2., in order to direct education and outreach resources most effectively.

Document modifications in the SWMP in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #3: During the 2nd, 3rd, 4th, and 5th Permit Years.

2.3. Minimum Control Measure 3: Illicit Discharge Detection And Elimination

2.3.1. Minimum Requirement #1:

Identify categories of non-stormwater discharges or flows that are significant contributors of pollutants to the MS4.

2.3.1.1. Best Management Practice #1:

Evaluate and document in the SWMP potential non-stormwater discharges or flows to the Small MS4, including but not limited to those listed below, indicating whether each is a significant or non-significant contributor of pollutants. Include the associated pollutants and any local controls or conditions placed on the discharge.

Non-Stormwater Discharges or Flows:

- Water Line Flushing
- Landscape and Lawn Irrigation
- Diverted Stream Flows
- Rising Groundwater
- Uncontaminated Groundwater Infiltration
- Uncontaminated Pumped Groundwater
- Discharges from Potable Water Sources
- Foundation Drains

- Air Conditioning Condensation
- Springs
- Water from Crawl Space Pumps
- Footing Drains
- Individual Residential Car Washing
- Flows from Riparian Habitats and Wetlands
- Dechlorinated Swimming Pool Discharges
- Street Wash Water
- External Building Wash Down Water

Note: Discharges or flows from firefighting activities are excluded from the effective prohibition against non-stormwater and only need to be addressed where they are identified as significant sources of pollutants to surface waters.

Review annually and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 1st Permit Year.

2.3.2. Minimum Requirement #2:

Inventory stormwater sewer infrastructure to track illicit discharges, contain spills, and determine high priority areas

2.3.2.1. Best Management Practice #1:

Annually review and update a map of the MS4's storm drainage system to accommodate the provisions of a comprehensive Illicit Discharge Detection and Elimination (IDDE) program and SWMP including, but not limited to, the following:

- Outfall locations
- Inlets
- Open channels
- Subsurface conduits/pipes
- Dry wells (discharges to ground water directly)
- Manholes
- Other similar discrete conveyances
- Surface waters that receive discharges from outfalls

Note: Dry wells may also be referred to as injection wells, Class V injection wells, stormwater infiltration wells, or underground drainage wells.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 2nd Permit Year.

2.3.2.2. Best Management Practice #2:

Using inspection and screening results, storm sewer maps, and other appropriate data, list, label, or highlight determined high priority outfalls. When determining high priority outfalls, permittees must consider, at a minimum, the following:

- Industrial areas
- Areas with previous illicit discharges
- Known illegal dumping areas

- Oldest portions of storm sewer infrastructure
- Areas with onsite sewage disposal systems
- Areas discharging to an impaired water body
- Pollutants of concern associated with the contributing drainage area

The permittee must identify a minimum number of high priority outfalls, based on the knowledge of potential illicit discharges in their MS4. High priority outfalls shall be documented in the SWMP and reviewed and updated annually. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: End of 2nd Permit Year.

2.3.2.3. Best Management Practice #3:

Update the map annually and make available to DEQ upon request. Updates shall be made in accordance with Part 2.10.1.

2.3.3. Minimum Requirement #3:

Develop/update an Illicit Discharge Investigation and Corrective Action Plan to consistently and effectively investigate suspected illicit discharges and connections and track subsequent compliance actions.

2.3.3.1. Best Management Practice #1:

Maintain an Illicit Discharge Investigation and Corrective Action Plan. The plan shall describe the processes that will be used to locate the source of an illicit discharge and refer to the permittee's Enforcement Response Plan (in Part 2.3.4.1., below) for execution of appropriate enforcement actions. At a minimum, this plan shall include processes to:

- Investigate a suspected illicit discharge within seven calendar days. Document circumstances that prevent this timeframe.
- Prioritize illicit discharges suspected of being sanitary sewage and/or significantly contaminated for investigation first.
- Confirmed illicit discharges that are discrete and readily abatable, including but not limited to spills, illegal dumping, or other non-structural discharges that do not require infrastructure repair or construction, must be eliminated or ceased within 72 hours of confirmation. Where applicable, document circumstances that prevent this timeframe.
- Confirmed illicit discharges that require infrastructure repair, replacement, excavation, or other construction activities, including but not limited to illicit sanitary sewer connections to the MS4, must be eliminated within six months of confirmation. Where applicable, document circumstances that prevent this timeframe.
- Notify Montana DEQ and appropriate agencies of illicit discharges believed to be an immediate threat to human health or the environment.
- Document that a good faith effort was made to find the source of the illicit discharge and document each phase of the investigation in a case file.
- Resolve and document the conclusion of all investigations.

The outfall where any illicit discharge is detected shall continue to be considered high priority and should be investigated as required in this permit. If further investigation and corrective action results show the incident was isolated, with no indication of habitual illicit discharge,

the outfall may be removed from the high priority list during annual review, as required in Part 2.3.2.2. above.

Review annually and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 2nd Permit Year.

2.3.3.2. Best Management Practice #2:

Implement the Illicit Discharge Investigation and Corrective Action Plan. When an illicit discharge is identified, the permittee must cease, or require the cessation of, the discharge within 72 hours of confirmation if the discharge is discrete and readily abatable, or within six months of confirmation if the discharge requires infrastructure repair, replacement, excavation, or other construction activities. After the illicit discharge has been eliminated, the permittee must also minimize surface contamination by removing, or requiring the removal of, surface residue or other types of pollutant sources.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: During 3rd, 4th, and 5th Permit Years.

2.3.3.3. Best Management Practice #3:

Maintain documentation within the SWMP that summarizes investigations conducted and corrective actions taken over the course of the year, per the Illicit Discharge Investigation and Corrective Action Plan. At a minimum, each summary must include the following information:

- Event or investigation identifier
- Date
- Location
- Pollutant involved or suspected
- Brief indication of the magnitude or concern level of the event

Deadline/Implementation Schedule for New MS4s to implement BMP #3: During 3rd, 4th, and 5th Permit Years.

2.3.4. Minimum Requirement #4:

Through ordinance or other regulatory mechanism to the extent allowable under state or local law, effectively prohibit discharge of non-stormwater into the regulated storm sewer system and implement appropriate enforcement procedures and actions.

2.3.4.1. Best Management Practice #1:

Develop, maintain, update, and implement a formal Enforcement Response Plan (ERP) for illicit discharges. At a minimum, the ERP must describe or identify the following:

- Legal authority (through ordinance, formal policies, or memoranda of understanding) to eliminate and abate illicit discharges
- Staff with enforcement authority
- Enforcement actions available
- An enforcement escalation process
- A schedule to quickly and consistently eliminate the source of the discharge, abate any damages, and reduce the chance of recurrence.

To the extent allowable under local and state law, the ERP must include informal, formal, and judicial responses, such as the following:

Informal:

- Telephone Notification
- Verbal/Written Notice
- Meetings

Formal:

- Administrative Order
- Compliance Schedule
- Order to Show Cause
- Monetary Penalty (administrative)
- Suspended Service
- Notice of Violation (NOV)

Judicial:

- Injunctive Relief
- Consent Decree
- Civil Penalties
- Criminal Penalties

Review once per permit cycle and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: Developed by End of 2nd Year, Implemented During 3rd, 4th, and 5th Years.

2.3.4.2. Best Management Practice #2:

Permittees with legal authority must adopt an ordinance or other regulatory mechanism to prohibit illicit discharges, which shall include a provision prohibiting any occasional incidental non-stormwater discharge event.

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

Document in the SWMP the ordinance or other regulatory mechanism that prohibit illicit discharges, including any occasional incidental non-stormwater discharge events. Documentation shall identify the applicable ordinance or regulatory mechanism by reference, citation, or summary.

Review the ordinance or other regulatory mechanism once per permit cycle and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: Pursued during years 1 and 2 if identified as necessary; finalized by end of year 2. If the need is identified after year 2, the permittee must notify DEQ and a revised compliance schedule will be established.

2.3.4.3. Best Management Practice #3:

Solicit assistance from neighboring MS4s, as necessary, to detect and eliminate illicit discharges that may originate within the neighboring MS4 and formalize in cooperative agreements (e.g. memoranda of understanding). Agreements shall specify investigation and enforcement responsibilities and shall be described in each permittee's ERP and Illicit Discharge Investigation and Corrective Action Plan. Formalize cooperative agreements with all neighboring MS4s, as necessary, to implement the IDDE program.

Review once per permit cycle and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #3: End of 2nd Permit Year.

2.3.5. Minimum Requirement #5:

Inspect all outfalls during dry weather to detect illicit discharges and connections into the MS4.

2.3.5.1. Best Management Practice #1:

Inspect and screen all the permittee's outfalls during dry weather using the outfall field screening protocol developed by the *Center for Watershed Protection*, or an equivalent process. Using the protocol, if illicit discharge potential is determined, the permittee shall use the procedures identified above for tracing and removing an illicit discharge. This process shall be completed by the end of the permit cycle.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: Completed by the end of the 5th Permit Year. Document progress annually.

2.3.5.2. Best Management Practice #2:

Inspect and screen identified high priority outfalls (from Part 2.3.2.2., above) during dry weather a minimum of once per year and document in the SWMP a summary of screening results.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: During 3rd, 4th, and 5th Permit Years.

2.4. Minimum Control Measure 4: Construction Site Stormwater Management**2.4.1. Minimum Requirement #1:**

Require that all regulated construction projects within the Small MS4 submit a construction stormwater management plan (site plan) prior to construction. The plan shall be consistent with state and local requirements and incorporate consideration of potential water quality impacts including stormwater pollution prevention through appropriate erosion, sediment, and waste control BMPs. A stormwater pollution prevention plan (SWPPP) developed pursuant to the MPDES General Permit for Stormwater Discharges Associated with Construction Activity (MTR100000) may substitute for this site plan.

2.4.1.1. Best Management Practice #1:

Traditional MS4s: Update and implement a construction stormwater management plan review checklist that documents, at a minimum, the requirements described in the Technology-Based Effluent Limitations of the most current MPDES Stormwater Construction GP (MTR100000) for all regulated construction projects. The checklist shall be used to ensure

consistent review of submitted plans and to determine and document compliance with state and local requirements.

Non-traditional MS4s: Update and implement a construction stormwater management plan review checklist that documents, at a minimum, the requirements described in the Technology-Based Effluent Limitations of the most current MPDES Stormwater Construction GP (MTR100000) for all permittee-owned/operated project site plans. The permittee may modify the plan review checklist based on the maximum extent of contractual agreements with documentation. The checklist shall be used to ensure consistent review of submitted plans and to determine and document compliance with state and local requirements.

Submit the plan review checklist with each General Permit renewal.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: Developed by End of 3rd Permit Year; Implemented During 4th and 5th Permit Years.

2.4.1.2. Best Management Practice #2:

Within federally designated sole source aquifer areas, the permittee shall require that regulated development projects reviewed under this MCM where infiltration-based stormwater management practices are proposed, submit, as part of the site plan (Part 2.4.1., above), site-specific technical information as required under the permittee's adopted subdivision regulations, development standards, and stormwater review requirements for infiltration-based practices, and any additional site-specific information the permittee determines necessary to evaluate groundwater protection considerations for the sole source aquifer.

Review and update, as necessary, the site plan review checklist required under Part 2.4.1.1. (above) to ensure these submittal components are incorporated for applicable projects within the sole source aquifer area.

Document the determination made for the proposed infiltration-based practice within the sole source aquifer area. A summary of determinations made under this section during the previous reporting year shall be submitted with the Annual Report Package.

Note: This section applies to permittees that conduct construction stormwater management plan review under Part 2.4.1.

2.4.2. Minimum Requirement #2:

Ensure that all construction stormwater management controls are installed, operated, and maintained to function as designed.

2.4.2.1. Best Management Practice #1:

Traditional MS4s: Update and implement a site inspection form or checklist to complete consistent and thorough regulated project inspections for all regulated construction projects. The checklist shall include, at a minimum, the requirements described in the Technology-Based Effluent Limitations of the most current MPDES Stormwater Construction GP (MTR100000).

Non-traditional MS4s: Update and implement a site inspection form or checklist to complete consistent and thorough regulated project inspections for all permittee-owned/operated project sites. The checklist shall include, at a minimum, the requirements described in the

Technology-Based Effluent Limitations of the most current MPDES Stormwater Construction GP (MTR100000). The permittee may modify the plan review checklist based on the maximum extent of contractual agreements with documentation.

Submit the site inspection form with each General Permit renewal.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: Developed by End of 3rd Permit Year; Implemented During 4th and 5th Permit Years.

2.4.2.2. Best Management Practice #2:

Maintain a regulated project inventory to include, at minimum, the following:

- If the project is covered under the most current MPDES Stormwater Construction GP (MTR100000) and if so, the associated authorization number
- The location, size, and topography of the site
- The proximity of the site to waterbodies for each project

Document in the SWMP the regulated project inventory for the previous reporting year. Update annually.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: During 4th and 5th Permit Years.

2.4.2.3. Best Management Practice #3:

Utilize a protocol to determine the priority and minimum routine inspection frequency of construction stormwater management controls. Priority is to be determined using, at a minimum, the following criteria:

- Project size
- Proximity to a water body
- Steepness of the project site slopes
- Discharge to waterbodies impaired for pollutants expected from construction projects
- Past record of non-compliance by the operator of the construction site

The protocol shall establish the following minimum routine inspection frequency for all determined high priority projects:

- Once at commencement of construction after BMPs have been implemented
- Once within 48 hours after each rain event of 0.25 inches or greater
- Once within 48 hours after each occurrence of runoff from snowmelt due to thawing conditions that cause visible surface erosion at the site
- Once at the conclusion of the project prior to finalization (i.e. release of bond, issuance of certificate of occupancy, etc.)

In addition, the protocol shall include recidivism reduction and corrective measures at non-compliant sites, such as processes for:

- Additional on-site visits;
- Increased inspection frequency;
- Written notice of violations;
- Stop work orders; and
- Advancement to enforcement via the ERP process, as discussed below in Part 2.4.3.3.

Document within the SWMP the protocol used to determine project priority and minimum routine inspection frequency, including the criteria applied and the procedures used to address recidivism and corrective measures at non-compliant sites.

Review the protocol once per permit cycle and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #3: Developed by End of 3rd Year, Implemented During 4th and 5th Years.

2.4.2.4. Best Management Practice #4:

The permittee must annually identify and inspect at least one project. Conduct and document inspections using the inspection form in Part 2.4.2.1. and determined routine inspection frequency protocol in Part 2.4.2.3.

If a routine inspection identifies non-compliance, or a failure to implement appropriate control measures that cannot be corrected at the time of initial inspection, the permittee must verify and confirm issues have been corrected within 14 days of documentation of non-compliance. If the illicit discharge has not ceased after 14 days, or control measures are still inadequate, the permittee must advance the non-compliant site through the established ERP process (Part 2.3.4.1.).

Document in the SWMP a summary of construction site inspections conducted during the previous reporting year. Update annually.

Deadline/Implementation Schedule for New MS4s to implement BMP #4: During 4th and 5th Permit Years.

2.4.3. Minimum Requirement #3:

Through ordinance or other regulatory mechanism to the extent allowable under state and local law, effectively require controls of construction-related pollutants (such as sediment and erosion) on regulated construction projects and implement appropriate enforcement procedures/actions.

2.4.3.1. Best Management Practice #1:

Traditional MS4s: Adopt and implement an ordinance or other regulatory mechanism to require construction stormwater controls on private and permittee-owned regulated projects. At a minimum, the regulatory mechanism must:

- Require the construction stormwater management minimum standards (described as Technology Based Effluent Limitations in the most current MPDES Stormwater Construction GP) to be implemented on all regulated construction projects.
- Provide the permittee the authority to inspect privately-owned construction stormwater management controls.

Non-traditional MS4s: At a minimum, adopt and implement formal policies or other mechanisms to the extent allowable (such as contractual requirements applicable to contractors performing construction work) on permittee-owned/operated projects. The permittee must consider and document private development projects regardless of legal authority. At a minimum, the regulatory mechanism must require the construction stormwater management minimum standards (described as Non-Numeric Technology-Based Effluent Limits in the most current MPDES Stormwater Construction GP) to be implemented on all regulated construction projects.

Document within the SWMP the ordinance or other regulatory mechanism used to require construction stormwater controls on regulated projects. Documentation shall identify the applicable ordinance or regulatory mechanism by reference, citation, or summary.

Review the ordinance or regulatory mechanism once per permit cycle and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 3rd Permit Year.

2.4.3.2. Best Management Practice #2:

The Enforcement Response Plan (ERP) developed in Part 2.3.4.1. shall be implemented and maintained to ensure compliance with construction stormwater management regulatory mechanisms on regulated projects including private property. The ERP must include informal, formal, and judicial responses (as listed in Part 2.3.4.1.). Additionally, the ERP shall include sanctions and enforcement mechanisms to achieve compliance and must describe or identify, at a minimum, the following:

- How the permittee will eliminate and abate illegal construction discharges
- Staff with enforcement authority
- Enforcement actions available
- Enforcement escalation processes including a schedule to quickly and consistently eliminate the source of the discharge
- How the permittee will facilitate abatement of the damages and reduce the chance of recurrence

In addition, the ERP must also include non-monetary construction project-specific penalties such as stop work orders, bonding requirements, and/or permit denials for non-compliance.

Review the written ERP once per permit cycle and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: During 4th and 5th Permit Years.

2.5. Minimum Control Measure 5: Post-Construction Site Stormwater Management In New And Redevelopment

2.5.1. Minimum Requirement #1:

Require that all regulated development projects submit a site plan consistent with state and local post-construction requirements, which incorporates consideration of potential water quality impacts including appropriate post-construction stormwater management controls.

2.5.1.1. Best Management Practice #1:

Traditional MS4s: Update and implement a plan review checklist to ensure consistent review of submitted plans and to determine and document compliance with state and local post-construction requirements.

Non-traditional MS4s: Update and implement a plan review checklist to ensure consistent review of plans for permittee-owned/operated projects and to determine and document compliance with state and local post-construction requirements. The permittee may modify

the plan review checklist based on the maximum extent of contractual agreements with documentation.

Submit the plan review checklist with each General Permit renewal.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: Developed by End of 3rd Permit Year, Implemented During 4th and 5th Permit Years.

2.5.1.2. Best Management Practice #2:

Require that all regulated projects implement post-construction stormwater management controls that are designed to infiltrate, evapotranspire, and/or capture and reuse for beneficial non-potable uses the post-construction runoff generated from the first 0.5 inches of rainfall from a 24-hour storm preceded by 48 hours of no measurable precipitation (runoff reduction requirement).

For projects that cannot meet 100% of the runoff reduction requirement, the remainder of the runoff from the first 0.5 inches of rainfall must be either:

- Treated onsite using post-construction stormwater management controls expected to remove 80% of total suspended solids (TSS);
- Managed offsite within the same sub-watershed using post-construction stormwater management controls that are designed to infiltrate, evapotranspire, and/or capture and reuse for beneficial non-potable uses; or
- Treated offsite within the same sub-watershed using post-construction stormwater management controls expected to remove 80% of total suspended solids (TSS)

Permittees allowing offsite treatment shall do the following:

- Develop and apply criteria for determining the circumstances under which offsite treatment may be allowed. The criteria must be based on multiple factors, including but not limited to technical or logistic infeasibility, such as:
 - Lack of available space
 - High ground water
 - Ground water contamination
 - Poorly infiltrating soils
 - Shallow bedrock
 - Prohibitive costs
 - A land use that is inconsistent with capture and reuse or infiltration of stormwater

Determinations may not be based solely on the difficulty and/or cost of implementation. The permittee must develop a formal review and approval process for determining projects eligible for offsite treatment. The offsite treatment option is to be used only after available onsite options have been evaluated and documented through the permittee's developed formal review and approval process.

Document criteria within the SWMP. Review annually and update as necessary. Updates shall be made in accordance with Part 2.10.1.

- Maintain an inventory of regulated projects which utilize offsite treatment for post-construction stormwater runoff within the SWMP. The inventory must include the following information for each approved project:
 - Geographic location of the project

- Location of offsite treatment
- Documentation of the rationale for approval of offsite treatment

Deadline/Implementation Schedule for New MS4s to implement BMP #2: End of 3rd Permit Year.

2.5.1.3. Best Management Practice #3:

Within federally designated sole source aquifer areas, the permittee shall require that all regulated development projects where infiltration-based construction stormwater management controls are proposed, submit, as part of the site plan (Part 2.5.1.), site-specific technical information as required under the permittee's adopted design standards and plan review requirements for infiltration-based practices, and any additional site-specific information the permittee determines necessary to evaluate groundwater protection considerations for the sole source aquifer.

Review and update, as necessary, the site plan review checklist required under Part 2.5.1.1. to ensure these submittal components are incorporated for applicable projects within the sole source aquifer area.

Document the determination made for the proposed infiltration-based practice within the sole source aquifer area. A summary of determinations made under this section during the previous reporting year shall be submitted with the Annual Report Package (Part 2.10.2.).

Note: This section applies to permittees that conduct post-construction stormwater management plan review under Part 2.5.1.

2.5.2. Minimum Requirement #2:

Ensure that all post-construction stormwater management controls are installed, operated, and maintained to function as designed.

2.5.2.1. Best Management Practice #1:

Traditional MS4s: Update and implement an inspection form or checklist to ensure consistent and thorough inspections of post-construction stormwater management controls.

Non-traditional MS4s: Update and implement an inspection form or checklist to ensure consistent and thorough inspections of post-construction stormwater management controls. The permittee may modify the inspection form or checklist based on the maximum extent of contractual agreements with documentation.

Submit the site inspection form or checklist with each General Permit renewal.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: Developed by End of 3rd Permit Year, Implemented During 4th and 5th Permit Years.

2.5.2.2. Best Management Practice #2:

Maintain an inventory of existing post-construction stormwater management controls, including, at a minimum:

- A description of the control
- The location of the control
- Ownership status of the control, including whether the control is permittee-owned or non-permittee owned

- Whether it is a high priority control

Document within the SWMP:

- The total number of post-construction stormwater management controls currently in the inventory,
- The number and distribution of controls by type,
- A complete list of post-construction stormwater management controls designated as high-priority; and
- A summary of post-construction stormwater management controls installed during the previous reporting year, including the description, location, ownership status, and high-priority designation of each control.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: Inventory developed on a rolling basis during Permit Years 1 through 5, finalized by end of Year 5. If not finalized by end of Year 5, the permittee must notify DEQ and a revised compliance schedule will be established. SWMP documentation during Permit Years 4 and 5.

2.5.2.3. Best Management Practice #4:

Utilize a protocol to determine the priority and minimum routine inspection frequency of post-construction stormwater management controls. Priority must be determined based on potential water quality impacts using specific criteria, which at a minimum shall include:

- Operation and maintenance needs of the control
- Proximity to water body
- Drainage area treated by control
- Land use type
- Location within an impaired waterbody watershed
- Pollutants of concern associated with the contributing drainage area

The permittee must annually identify a minimum number of projects for inspection not equaling zero.

Document within the SWMP the protocol used to determine priority and minimum routine inspection frequency, including the criteria applied. The protocol shall be reviewed once per permit cycle and updated as necessary.

Deadline/Implementation Schedule for New MS4s to implement BMP #4: Developed by End of 3rd Permit Year, Implemented During 4th and 5th Permit Years.

2.5.2.4. Best Management Practice #5:

Inspect all permittee-owned high priority post-construction stormwater management controls annually and document a summary of findings and resulting compliance actions in the SWMP.

Deadline/Implementation Schedule for New MS4s to implement BMP #5: During 4th and 5th Permit Years.

2.5.2.5. Best Management Practice #6:

Traditional MS4s: Develop a program to either conduct inspections of private high priority post-construction stormwater management controls, or to require self-inspection and reporting by owners. Inspect or have inspected all high priority privately-owned post-

construction stormwater management controls annually. Document program or requirement in the SWMP and summarize findings and resulting compliance actions in the SWMP.

Deadline/Implementation Schedule for New MS4s to implement BMP #6: Developed by End of 3rd Permit Year, Implemented During 4th and 5th Permit Years.

2.5.3. Minimum Requirement #3:

To the extent allowable under state or local law, effectively require, through ordinance, or other regulatory mechanism, post-construction stormwater management controls on regulated projects and implement appropriate enforcement procedures and actions.

2.5.3.1. Best Management Practice #1:

Traditional MS4s: Adopt and implement an ordinance or other regulatory mechanism to require post-construction stormwater management controls on regulated projects that, at a minimum, include the performance standard described in Part 2.5.1.2., above. Review the ordinance or regulatory mechanism once per permit cycle and update as needed. Updates shall be made in accordance with Part 2.10.1.

Non-traditional MS4s: At a minimum, adopt and implement formal policies or other mechanisms to the extent allowable (such as contractual requirements applicable to contractors performing construction work) requiring post-construction stormwater controls on permittee-owned/operated projects. The permittee must consider and document private development projects regardless of legal authority. Review these written policies and procedures once per permit cycle and update as needed. Updates shall be made in accordance with Part 2.10.1.

All permittees shall document within their SWMP the ordinance or other regulatory mechanism used to require post-construction stormwater controls on regulated projects. Documentation shall identify the applicable ordinance or regulatory mechanism by reference, citation, or summary.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 3rd Permit Year.

2.5.3.2. Best Management Practice #2:

The ERP developed in Part 2.3.4.1. shall be implemented and maintained to ensure compliance with installation, operation, and maintenance requirements for post-construction stormwater management controls on regulated projects including private property. The ERP must include informal, formal, and judicial responses (as listed in Part 2.3.4.1.). Additionally, at a minimum, the ERP must describe or identify the following:

- Legal authority to require inspection and maintenance of post-construction stormwater management controls
- Staff with enforcement authority
- Enforcement actions available
- An enforcement escalation process
- A schedule to be utilized to quickly and consistently enforce compliance with post-construction requirements.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: During 4th and 5th Permit Years.

2.5.4. Minimum Requirement #4:

Incorporate recommendations and requirements into plans, policies, and ordinances which allow and support the utilization of Green Stormwater Infrastructure (GSI) and LID (Low Impact Development) concepts on public and private property.

2.5.4.1. Best Management Practice #1:

Assess and document within the SWMP any existing ordinances, policies, programs, and/or studies related to the following Green Stormwater Infrastructure (GSI) and LID concepts (both structural and non-structural) that have been implemented to promote protection of stormwater runoff quality associated with new and redevelopment projects in the permittee's MS4:

Green Stormwater Infrastructure (GSI):

- Bioretention and rain gardens
- Vegetated swales and filter strips
- Infiltration practices (e.g., infiltration basins, infiltration trenches)
- Green roofs
- Permeable pavement systems
- Capture and reuse systems for beneficial non-potable uses
- Preservation and restoration of natural hydrologic features, including wetlands, floodplains, and riparian areas

Low Impact Development (LID):

- Directing growth to identified areas
- Protecting sensitive areas such as wetlands and riparian areas
- Maintaining and/or increasing open space
- Providing buffers along sensitive water bodies
- Minimizing impervious surfaces
- Minimizing disturbance of soils and vegetation

Documentation shall identify the applicable ordinances, policies, programs, and/or studies by reference, citation, or summary.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 5th Permit Year.

2.5.4.2. Best Management Practice #2:

By the end of the third year of the permit cycle (2029), develop and submit a plan outlining any needed modifications to relevant codes, ordinances, policies, and programs to implement GSI/LID concepts. The plan shall include, but is not limited to, the concepts and practices identified above that have not yet been implemented and proposed timelines for any needed code, ordinance, policy or programmatic updates.

If modifications to codes, ordinances, policies, or programs and/or studies are not needed, submit a plan/overview of any work scheduled or completed to implement GSI/LID concepts, such as those listed above.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: End of 5th Permit Year.

2.6. Minimum Control Measure 6: Pollution Prevention/Good Housekeeping For Permittee Operations

2.6.1. Minimum Requirement #1:

Implement an operation and maintenance program to prevent or reduce pollutant runoff from Permittee-owned/operated facilities and field activities.

2.6.1.1. Best Management Practice #1:

Maintain a written inventory within the SWMP of permittee-owned/operated facilities and activities that have the potential to contribute contaminants to the MS4. The inventory should include, at a minimum, the following:

Facilities:

- Maintenance and storage yards
- Waste handling and disposal areas
- Vehicle fleet or maintenance shops with outdoor storage areas
- Salt/sand storage locations
- Snow or dredge material disposal areas operated by the permittee

Activities:

- Park and open space maintenance
- Parking lot maintenance
- Building maintenance
- Road maintenance
- Snow and winter road maintenance (including snow removal and storage as well as deicing)
- Stormwater system maintenance (including catch basin cleaning)

As part of the inventory, list the local department(s) and position(s) responsible for pollution prevention and good housekeeping of each facility/activity, the potential pollutants and pollutant constituents associated with each facility/activity, and if the facility has an effective authorization under the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MTR000000).

Review annually and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #1: End of 1st Permit Year.

2.6.1.2. Best Management Practice #2:

For each category established, develop and maintain written standard operating procedures (SOPs) aimed at preventing or reducing pollutant contributions from municipal operations. Each SOP must contain, at a minimum, the following:

- Identified stormwater pollution controls (structural and non-structural controls, and operation improvements) installed, implemented, and/or maintained to minimize the discharge of contaminants.
- Inspection procedures for facilities and their structural stormwater controls, which at a minimum must include:
 - An annual visual inspection of each applicable facility.
 - A verification that the written facility procedures, documentation, and site map are current.

- Visual observation of locations and areas where stormwater from facilities is discharged offsite, to state waters, or to a storm sewer system that drains to state waters.
- Visual observation of facility conditions, including pollutant sources and control measures, to identify control measures that are inadequate or needing maintenance. All inadequate control measures shall be modified or replaced as soon as possible, but no later than six months from visual inspection. If a control measure cannot be modified or replaced within the six-month timeframe due to infeasibility (such as financial burden or time commitment of capital improvement projects), the permittee will provide a written explanation and a schedule for improvement with the following year's annual report. Document facility inspections and communication with relevant department personnel regarding inadequate control measures.

Evaluate SOPs once per permit cycle and update as necessary. Updates shall be made in accordance with Part 2.10.1.

New SOPs added during the permit cycle and updates to existing SOPs during the permit cycle shall be submitted with the next associated Annual Report Package (Part 2.10.2.). All SOPs shall be submitted with each General Permit renewal.

For permittee-owned/operated facilities that are authorized under the Multi-Sector General Permit "MSGP" for Stormwater Discharges Associated with Industrial Activity (MTR000000), facility-specific SOPs are not required. For such facilities, the permittee may rely on the facility Stormwater Pollution Prevention Plan (SWPPP), provided the facility maintains active coverage under MTR000000. The permittee shall ensure the facility permit coverage is current and shall review the applicable SWPPP once per permit cycle in lieu of developing, evaluating, and updating a facility-specific SOP.

Deadline/Implementation Schedule for New MS4s to implement BMP #2: End of 2nd Permit Year. If this timeline is not achievable, the permittee must notify DEQ and a revised compliance schedule will be established.

2.6.1.3. Best Management Practice #3:

Maintain a map that identifies the locations of facilities and activities identified. The map shall identify state surface waters that are located within, flow through, or receive stormwater discharges from the MS4. Review annually and update as necessary. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for New MS4s to implement BMP #3: End of 2nd Permit Year. If this timeline is not achievable, the permittee must notify DEQ and a revised compliance schedule will be established.

2.6.1.4. Best Management Practice #4:

Develop and maintain facility-specific site maps ("site maps") that document current facility conditions for facilities identified in Part 2.6.1.1. Each facility must have one or a series of legible maps or plans of sufficient size and scale to clearly depict the required elements.

At a minimum, the site maps must include the following:

- Site boundaries for the facility and the size of the property in acres
- Location and extent of buildings, structures, and impervious surfaces

- Locations of the following activities where exposed to precipitation:
 - Fueling stations
 - Vehicle and equipment maintenance and/or cleaning areas
 - Loading/unloading areas
 - Locations used for the treatment, storage, or disposal of wastes and the associated waste identification
 - Liquid storage tanks with associated liquid identification
 - Machinery
- Location of salt storage area, if applicable
- Locations of spill response kits and response contact information
- Locations of all existing stormwater control measures
- Locations of all stormwater conveyances (e.g., ditches, pipes, swales), inlets, outfalls, and outfall monitoring points, if applicable.
- Drainage pattern(s) and flow directions (use arrows) of stormwater runoff and run-on including lines showing boundaries between different drainage areas.
- Locations and sources of run-on to the facility boundaries from adjacent property that may contain potential pollutants.
- North arrow.
- Legend.

Review site maps in conjunction with the annual visual inspections required in Part 2.6.1.2. (above) and update as necessary. Updates shall be made in accordance with Part 2.10.1.

New site maps added during the permit cycle and updates to existing site maps during the permit cycle shall be submitted with the next associated Annual Report Package (Part 2.10.2.). All site maps shall be submitted with each General Permit renewal.

For permittee-owned/operated facilities that are authorized under the Multi-Sector General Permit “MSGP” for Stormwater Discharges Associated with Industrial Activity (MTR000000), facility-specific site maps are not required. For such facilities, the permittee may rely on the site map developed under the applicable MSGP (MTR000000), provided the authorization is effective. The applicable site map shall be reviewed in conjunction with the annual visual inspections required under Part 2.6.1.2. (above).

Deadline/Implementation Schedule for New MS4s to implement BMP #4: End of 2nd Permit Year.

2.6.1.5. Best Management Practice #5:

Maintain facility-specific documentation for each facility identified in Part 2.6.1.1. identifying where spills or leaks of oil, hazardous substances, or other pollutants have occurred within the previous three years. Review this documentation annually and submit a summary of spills or leaks with the Annual Report Package (Part 2.10.2.).

Spill management and reporting shall be made in accordance with Part 3.6. and DEQ’s “*Spill Management and Reporting Policy*” document, which can be obtained from DEQ by going to www.deq.mt.gov/about/enforcement.

Deadline/Implementation Schedule for all MS4s to implement BMP #5: End of 1st Permit Year.

2.6.1.6. Best Management Practice #6:

Conduct stormwater pollution prevention training in compliance with Part 2.7 (below) for all permittee staff directly involved with implementing SOPs. Retain records of completed trainings and attendance.

2.6.2. Minimum Requirement #2:

Implement a street sweeping program and document sweeping activities performed by the permittee.

2.6.2.1. Best Management Practice #1:

Implement a sweeping program to reduce the discharge of pollutants from roadways and other paved surfaces to the MS4. Document within the SWMP a description of the street sweeping program implemented, that includes, at a minimum, the following:

- Areas addressed, the general frequency and timing of sweeping, the equipment and sweeping methods used, and how collected material is managed, including disposal or reuse practices.
- The role of street sweeping as a stormwater BMP within the MS4.

Review documentation annually and update as needed. Updates shall be made in accordance with Part 2.10.1.

Deadline/Implementation Schedule for all MS4s to implement BMP #1: End of 1st Permit Year.

2.6.2.2. Best Management Practice #2:

Document and update annually in the SWMP a summary of street sweeping activities for the previous reporting year, using available program data. At a minimum, document and report at least two metrics selected from the following menu, as applicable to the permittee's street sweeping program and tracking systems:

- Miles swept, route miles covered, or lane miles swept.
- Hours of sweeping, number of sweeping events, or equipment operating hours associated with street sweeping activities.
- Frequency by route, service area, drainage area, or street classification.
- Tonnage or volume collected, or number of loads or dumps.

Deadline/Implementation Schedule for all MS4s to implement BMP #2: During 2nd, 3rd, 4th, and 5th Permit Years.

2.6.3. Minimum Requirement #3:

Manage routine hydrant flushing discharges that enter the MS4 in a manner that ensures compliance with applicable MPDES permitting requirements, either under this permit or under the MPDES General Permit for Disinfected Water and Hydrostatic Testing (MTG770000).

2.6.3.1. Best Management Practice #1:

Permittees shall conduct routine hydrant flushing under this permit only in accordance with a DEQ-approved Routine Hydrant Flushing Plan developed and submitted by the permittee to DEQ for approval. DEQ approval of the Routine Hydrant Flushing Plan authorizes routine hydrant flushing discharges under this permit for the duration of the General Permit cycle, provided the permittee implements and maintains the plan as approved.

The Routine Hydrant Flushing Plan shall demonstrate how routine hydrant flushing discharges authorized under this permit will be conducted in a manner that meets the applicable

effluent limitations, monitoring requirements, and special conditions of the MPDES General Permit for Disinfected Water and Hydrostatic Testing (MTG770000) and provide an equivalent level of protection.

At a minimum, the Routine Hydrant Flushing Plan shall address the following:

- The routine hydrant flushing activities covered by the plan and the conditions under which the plan applies.
- The water sources used for routine hydrant flushing and whether disinfectants or residual chemicals are present.
- The procedures and controls used to manage chemical and physical impacts associated with routine hydrant flushing, including flow, velocity, erosion, sediment mobilization, and residual disinfectants.
- The monitoring and field verification conducted during routine hydrant flushing to demonstrate compliance with applicable effluent limitations, monitoring requirements, and special conditions of the MPDES General Permit for Disinfected Water and Hydrostatic Testing (MTG770000).
- The documentation maintained to demonstrate implementation of the approved plan and compliance with applicable effluent limitations, monitoring requirements, and special conditions of the MPDES General Permit for Disinfected Water and Hydrostatic Testing (MTG770000).

Review the plan annually. Any updates or modification to the plan must be submitted for approval to DEQ and documented in accordance with Part 2.10.1.

2.6.3.2. Best Management Practice #2:

MS4s with a DEQ-approved Routine Hydrant Flushing Plan who perform routine hydrant flushing must self-monitor and report results for total residual chlorine (TRC) and pH in accordance with the MPDES Disinfected Water and Hydrostatic Testing General Permit (MTG770000). Monitoring shall be conducted downstream of any dechlorination or other control measures and as close as practicable to the point where the flushed water exits the potable water system and enters the MS4.

In recognition of the low-volume, short-duration, and BMP-controlled nature of these discharges, representative monitoring may be conducted through at least one qualifying hydrant flushing event per calendar quarter. A qualifying hydrant flushing event is the first hydrant flushing event that discharges to the MS4 during routine hydrant flushing activities within a calendar quarter that demonstrates compliance with applicable effluent limitations under the MPDES Disinfected Water and Hydrostatic Testing General Permit (MTG770000).

If monitoring results from the first hydrant flushing event that discharges to the MS4 do not meet applicable effluent limitations under the MPDES Disinfected Water and Hydrostatic Testing General Permit (MTG770000), the permittee shall implement corrective actions to achieve compliance prior to continuing routine hydrant flushing discharges. After corrective actions are implemented, the permittee shall monitor the next hydrant flushing event that discharges to the MS4, until monitoring results demonstrate compliance with applicable effluent limitations under the MPDES Disinfected Water and Hydrostatic Testing General Permit (MTG770000).

All monitored hydrant flushing events conducted prior to and including the hydrant flushing event demonstrating compliance shall be submitted to NetDMR. The first hydrant flushing event that demonstrates compliance shall serve as the qualifying hydrant flushing event for

that calendar quarter. Following a qualifying hydrant flushing event demonstrating compliance, subsequent hydrant flushes that discharge to the MS4 within that same calendar quarter are not required to be individually monitored for total residual chlorine (TRC) and pH.

2.6.3.3. Best Management Practice #3:

Results must be submitted to NetDMR for each calendar quarter, by the 28th day of the month following the end of the applicable calendar quarter. If no discharge occurs during the reported period, “no discharge” shall be reported through NetDMR. The samples collected and analyzed must be representative of the volume and nature of the facility’s discharge.

Routine hydrant flushing discharges conducted without a DEQ-approved Routine Hydrant Flushing Plan, conducted outside the scope of an approved plan, or conducted inconsistently with the approved plan are not authorized under this permit. Such discharges remain subject to applicable MPDES permitting requirements.

2.7. Training

The permittee is required to conduct and/or coordinate, at a minimum, the following trainings and document applicable personnel participation. All new hires that fall into the categories below (Parts 2.7.1.-2.7.4.) with potential to impact stormwater pollutant contributions must receive the equivalent amount of the following training within 90 days of their hire date.

2.7.1. Stormwater Management Team

1st Year of Permit Term: Conduct comprehensive training for all members of the stormwater management team to educate them about permit updates and implementation responsibilities for the upcoming permit term.

2.7.2. Construction Site Personnel

At least once during the permit term, conduct Construction Site Stormwater Pollution Prevention Plan (SWPPP) training for personnel, including inspectors and plan reviewers, responsible for the implementation of the Construction Site Stormwater Management Minimum Control Measure (MCM 4). Training shall include, at a minimum, inspection protocol and implementation of the MS4’s ERP, as well as any other relevant elements under MCM 4 (Part 2.4.)

2.7.3. Post-Construction Site Personnel

At least once during the permit term, conduct plan review and stormwater facility inspection training for all personnel responsible for the implementation of the Post-Construction Site Stormwater Management Minimum Control Measure (MCM 5). Inspector training shall include, at a minimum, inspection protocol and implementation of the MS4’s ERP, as well as any other relevant elements under MCM 5 (Part 2.5.)

2.7.4. Field and Facility Personnel

1st and 4th years of Permit Term: Conduct field and facility training for MS4 personnel responsible for completing work activities with stormwater pollution potential. This shall include any staff or field crews subject to oversight through SOPs as part of the Pollution Prevention and Good Housekeeping Minimum Control Measure (MCM 6). The training must provide, at a minimum, education regarding the following:

- An overview of this permit and the requirements contained herein.
- Potential stormwater impacts.
- The detection and elimination of illicit discharges.
- BMPs necessary to minimize discharges of pollutants during permittee activities or the operation of permittee-owned facilities.

- Any SOP updates completed as a result of the required work under MCM 6.

Deadline/Implementation Schedule for New MS4s to implement Field and Facility Personnel Training: 4th Permit Year Only.

Documentation of the above trainings shall be submitted with the subsequent Annual Report Package (Part 2.10.2.), and shall include at a minimum, the following information:

- Date of training
- Instructor(s) of training and their position title
- List of personnel present for the training
- Material used for training, or summary of training performed and topics covered.

2.8. Monitoring Requirements

2.8.1. Storm Event Monitoring

All permittees are required to perform sampling, testing, and reporting of stormwater discharges for their small MS4s during a storm event with a measurable amount of discharge. DEQ reserves the right to require additional stormwater sampling, testing, and reporting on a case-by-case basis. All analytical procedures must comply with the specifications of 40 CFR Part 136. The required monitoring parameters are listed in Table 1, below.

Table 1. Self-Monitoring and Reporting Requirements

Parameter	Unit	Frequency ⁽¹⁾	Type ⁽²⁾
Estimated Flow	gpm	Semi-annual	Instantaneous ⁽³⁾
pH	s.u.	Semi-annual	Instantaneous
Chemical Oxygen Demand (COD)	mg/L	Semi-annual	Grab or Composite
Total Suspended Solids (TSS)	mg/L	Semi-annual	Grab or Composite
Total Phosphorus	mg/L	Semi-annual	Grab or Composite
Total Nitrogen	mg/L	Semi-annual	Grab or Composite
Oil and Grease ⁽⁴⁾	mg/L	Semi-annual	Grab
Copper, Total Recoverable	µg/L	Semi-annual	Grab or Composite
Lead, Total Recoverable	µg/L	Semi-annual	Grab or Composite
Zinc, Total Recoverable	µg/L	Semi-annual	Grab or Composite
Chloride, dissolved ⁽⁵⁾	mg/L	Semi-annual	Grab or Composite
Specific Conductance ⁽⁵⁾	µS/cm	Semi-annual	Instantaneous

⁽¹⁾ Twice per year. One sample at each monitoring location must be taken between January 1st and June 30th of each permitted calendar year and the other sample between July 1st and December 31st.

⁽²⁾ See definitions for an explanation of terms.

⁽³⁾ Estimated Flow Rates are appropriate in cases where measurement gauges are not installed.

⁽⁴⁾ Hexanes extraction (EPA Method 1664A).

⁽⁵⁾ Applicable to MDT only.

2.8.1.1. Storm Event Monitoring Locations

For each semi-annual monitoring period, MS4 permittees must sample within the permitted geographic area during a storm event with a measurable amount of discharge. Permittees will establish a network of at least four monitoring locations with at least one location representing a predominantly commercial and/or industrial area and at least one location representing a predominantly residential area. One monitoring location may be upstream, outside the MS4 boundary to evaluate water quality entering the MS4.

Monitoring locations must be consistently identified using a naming scheme of the permittee's choice, but the permittee can only use a chosen name once. The permittee may request, in writing, to replace a monitoring location outfall. If DEQ approves the request, the new outfall monitoring location must be identified with an unused outfall name/number. Replacement monitoring locations can only occur once per permit cycle for each outfall.

Monitoring locations must be documented within the SWMP.

For MDT, the standard land-use-based location criteria do not apply. MDT shall select locations from within their regulated MS4 footprint as defined under Part 1.1.2 that are representative of MDT roadway corridor drainage conditions. Selection criteria shall include, at minimum:

- Roadway type, traffic volume, operational setting, and drainage configuration within the region;
- Presence or absence of installed stormwater control measures;
- Ability to obtain a qualifying discharge during each semi-annual monitoring period; and
- Suitability for co-use as a TMDL-related monitoring location under Part 2.8.2.3.1, where applicable.

One monitoring location may be established upstream, outside MDT's regulated footprint, to evaluate background water quality. That location does not count toward the minimum required locations. All other naming, replacement, and documentation requirements applicable to permittees under this section apply to MDT.

2.8.1.2. Storm Event Monitoring Frequency

Sampling must be conducted at least semi-annually (two times per year) for each of the parameters listed in Table 1 during a storm event with a measurable amount of discharge. One sample at each monitoring location must be taken between January 1st and June 30th of each permitted calendar year and the other sample between July 1st and December 31st.

If a permittee is not able to dependably obtain a sample at the identified required sampling outfall during a six-month monitoring period, rationale must be submitted with the corresponding Annual Report Package (discussed in Part 2.10.2., below) on why the collection of a sample was impracticable. The permittee must collect a substitute sample during the subsequent six-month monitoring period in addition to the required sample.

The substitute and required six-month sample may be collected from back-to-back storm events, provided each event produces a distinct first-flush runoff response and is separated by sufficient antecedent dry conditions, generally at least 48 hours of no measurable precipitation.

For MDT, one of the two required semi-annual samples at each monitoring location must be collected during a rain event and one must be collected during a snowmelt event that produces a measurable discharge at the designated location. The snowmelt sample must be collected during the January through June semi-annual monitoring period.

New authorizations under the 2027 General Permit (not authorized under the 2022 General Permit) are required to self-monitor starting three years from the date of authorization.

These prescribed monitoring schedules provide flexibility for the permittee to establish a self-monitoring program.

2.8.1.3. Storm Event Monitoring Reporting

Monitoring results shall be submitted electronically through NetDMR semi-annually, by the 28th day of the month following the end of each required semi-annual monitoring period, beginning with the first applicable monitoring period following authorization. If no discharge occurs during the reported period, "no discharge" shall be reported through NetDMR.

Document within the SWMP the MS4's monitoring results for all parameters required under this permit for the previous reporting year. Include monitoring results for the previous three years, at a minimum. Update annually.

2.8.2. Impaired Waterbody Monitoring

Permittees shall maintain an inventory of all outfalls that discharge to impaired waterbodies including the impaired waterbody name and associated pollutant(s) of impairment. Based on the status of an approved Total Maximum Daily Load (TMDL) described below, the permittee must target and reduce discharges to impaired waterbodies via implementation of BMPs and/or through additional TMDL-related monitoring. Information on impaired waterbodies may be obtained from DEQ or from the Clean Water Act Information Center website (<http://cwaic.mt.gov/>).

For MDT, the impaired waterbody inventory shall include all regulated transportation drainage discharge points within MDT's MS4 footprint that discharge to impaired waterbodies. MDT's obligations under this section are limited to MDT's own regulated footprint and MDT's own roadway drainage contributions.

Part 2.8.2.1. requirements (below) apply to new authorizations under the 2027 General Permit. Part 2.8.2.2. and 2.8.2.3. are not applicable during this permit cycle for new authorizations.

2.8.2.1. Pre-Total Maximum Daily Load (TMDL)

The permittee's SWMP shall include a section describing BMPs used to target and reduce discharges to impaired waterbodies *without* an approved TMDL for any identified pollutant(s) of impairment related to stormwater. The SWMP shall also include a summary of BMPs implemented over the previous year and a schedule of BMPs planned for the following year.

MDT's SWMP shall identify BMPs targeting pollutant sources associated with MDT's regulated transportation corridor, including roadway surface drainage, drainage conveyance infrastructure, winter maintenance and deicing operations, roadway maintenance activities, and disturbed areas within the regulated corridor. Each BMP shall identify the impaired waterbody addressed, the applicable pollutant(s) of impairment, and the MDT operational activity or drainage component being managed.

2.8.2.2. Approved Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs)

Appendix A of this permit contains a list of TMDLs with WLAs assigned to MS4s approved by DEQ and EPA as of the effective date of this permit. Permittees must comply with all MS4-related requirements associated with the TMDLs.

The permittee shall include in its SWMP a section identifying the measures and BMPs it plans to implement, or has implemented, to address TMDL MS4-related requirements. This section shall describe the MS4's impairment priorities and long-term strategy in making progress towards meeting the TMDL. The long-term strategy must outline interim milestones (i.e., a

completion schedule for action items) for controlling the discharge of the pollutants of concern. Based on TMDL monitoring results (discussed below), this section must be evaluated by the end of the third year of the permit cycle (2029), revised as needed, and resubmitted with the following Annual Report Package. Rationale shall be provided for any revisions.

As of the effective date of this permit, MDT is not independently assigned a wasteload allocation under any approved TMDL identified in Appendix. Accordingly, the direct WLA compliance obligations under this section only apply to permittees that have an applicable WLA under an approved TMDL. MDT shall, however, consider the pollutant reduction objectives and pollutants of concern identified in applicable TMDLs in Appendix A when selecting and implementing BMPs under Part 2.8.2.1 and when developing its SAP under Part 2.8.2.3. If future TMDLs approved during the term of this permit assign a wasteload allocation to MDT, DEQ may modify MDT's authorization or impose additional requirements, as appropriate, to implement that WLA consistent with MPDES and TMDL implementation requirements.

2.8.2.3. TMDL-Related Monitoring

The permittee must supplement the Storm Event Monitoring Requirements in Part 2.8. with additional monitoring targeted at further evaluating MS4 loading to impaired waterbodies and evaluating the effectiveness of BMPs, as outlined below. The permittee's SWMP must include a TMDL-related sampling and monitoring plan (SAP). The SAP shall address monitoring for stormwater-related pollutant(s) listed as a source of impairment specific to the receiving waterbody and be collected following procedures in 40 CFR Part 136. Additionally, the plan shall include strategy rationale, monitoring frequency, and monitoring locations as outlined below. The permittee must re-submit a SAP to DEQ for review and approval with the first Annual Report Package (2028).

Provide a minimum of one opportunity annually for the public to provide comments on the SAP. This may be accomplished via the MS4's stormwater website and in conjunction with the public comment requirements set forth in MCMs 1 & 2 (Part 2.2.). Document all relevant input, responses, and SAP modifications made as a result.

For MDT, the SAP shall document MDT's TMDL-related monitoring strategy across their monitoring locations established under Part 2.8.1.1. The SAP shall serve as MDT's documented framework for evaluating roadway corridor contributions to impaired receiving waters and assessing the effectiveness of BMPs implemented under Part 2.8.2.1 at each monitoring location. The SAP shall include, at minimum:

- The monitoring location selected and the rationale for that selection, including how the location reflects MDT's regulated corridor drainage contributions to the applicable impaired receiving water(s);
- Identification of any locations proposed to satisfy both TMDL-related monitoring under this section and storm event monitoring under Part 2.8.1.1;
- The strategy rationale explaining how the selected locations and parameters are designed to generate data relevant to MDT's corridor drainage contributions and BMP effectiveness at each monitoring location; and
- Confirmation that co-located sampling events will capture all Table 1 parameters, and identification of any additional TMDL-related parameters to be monitored at that location based on the approved TMDLs applicable to the regulated MS4s and MDT's corridor drainage characteristics at that site, and the rationale for that parameter selection.

2.8.2.3.1. TMDL-Related Monitoring Locations

TMDL related monitoring allows for an MS4-specific strategy that will provide the data required to track and evaluate effectiveness of BMPs. At a minimum, select four sampling locations that discharge to impaired waterbodies. The same sample sites and sampling events may be used for both Storm Event Monitoring and TMDL Monitoring. When selecting the location of these outfalls, permittees **shall** consider, at a minimum, the following:

- The largest drainage areas
- The surrounding land uses which could contribute to impairments
- Pollutants of concern associated with the drainage area
- High priority areas identified via the requirements in MCM 3: Illicit Discharge Detection and Elimination

Monitoring locations must be consistently identified using a naming scheme of the permittee's choice, but the permittee can only use a chosen name once. The permittee may request, in writing, to replace a monitoring location outfall. If DEQ approves the request, the new outfall monitoring location must be identified with an unused outfall name/number. Replacement monitoring locations can only occur once per permit cycle for each outfall.

For MDT, the standard location selection criteria do not apply. MDT shall select TMDL-related monitoring locations from within MDT's regulated MS4 footprint as defined under Part 1.1.2. Each location shall discharge to an impaired waterbody identified in MDT's impaired waterbody inventory or listed in Appendix A as applicable to the regulated MS4 areas.

MDT shall select locations that represent the greatest overlap between MDT's regulated corridor drainage characteristics and the dominant impairment concerns for the applicable receiving waters. To identify those locations, MDT shall evaluate candidate locations against, at minimum, the following criteria:

- The extent to which the location's drainage area and corridor characteristics are representative of MDT's primary pollutant-generating operations within that region;
- The degree to which MDT's corridor drainage at that location corresponds to the pollutants of concern across the approved TMDLs applicable to the regulated MS4s, as identified in MDT's impaired waterbody inventory and Appendix A;
- Whether the location captures a meaningful MDT corridor discharge for the applicable pollutants of concern during qualifying storm and snowmelt events; and
- Whether the location is suitable for co-use as a storm event monitoring location under Part 2.8.1.1.

DEQ shall review and confirm each selected location through SAP approval. All other naming, replacement, and documentation requirements applicable to permittees under this section apply to MDT.

2.8.2.3.2. TMDL-Related Monitoring Frequency

Sampling must be conducted at least semi-annually (two times per year), in accordance with Parts 2.8.1.2. and 2.8.1.3., for each of the stormwater-related pollutant(s) listed as a source of impairment specific to the receiving waterbody.

For MDT, TMDL-related monitoring shall be conducted at least semi-annually at each monitoring location established under Part 2.8.2.3.1, in accordance with Parts 2.8.1.2 and 2.8.1.3.

2.9. Recording Requirements

2.9.1. Monitoring Records

The following information must be recorded and maintained at the office of the contact person/position for all monitoring samples:

- Date, exact place, and time of sampling
- Estimated duration (in hours) of the storm event(s) sampled
- Total rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff
- Identification of whether measurable precipitation resulting in a discharge occurred within the fourteen (14) days preceding the sampled storm event, including the approximate date of the most recent measurable precipitation event within that period, based on reasonably available precipitation data
- Name(s) of the individuals which performed the sampling or measurements
- Analytical laboratory test result data and reports for stormwater samples, and/or records, which minimally indicate:
 - The date(s) analyses were performed
 - The time analyses were initiated
 - The initials or name(s) of individual(s) who performed the analyses
 - References and written procedures, when available, for the analytical techniques or methods used
 - The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc. used to determine these results.

2.9.2. Retention of Records

The permittee shall retain records of all monitoring information for a period of at least five years from the date of sample, measurement, report, or application. Records shall include:

- Performed calibrations.
- Maintenance records
- Original strip chart recordings
- Copies of reports required by this General Permit
- Records of data used to complete the application for this General Permit

2.10. Reporting and Evaluation of the SWMP

2.10.1. SWMP Updates

The permittee shall maintain a SWMP Updates section as part of the SWMP. The SWMP Updates section shall be clearly identified and located at the end of the SWMP, following the documentation required under Part 2.8., and shall be used to document changes made to permit-required elements of the SWMP.

Changes to SWMP elements that are required by this permit to be reviewed or updated in accordance with this Part (2.10.1) shall be documented in the SWMP Updates section as they

occur. At a minimum, the SWMP Updates section shall be reviewed and updated annually as part of the preparation of the Annual Report Package, below.

2.10.2. Annual Report Package

The permittee shall prepare and electronically submit an Annual Report Package to DEQ for each calendar year within the General Permit term by March 1st of each year. The Annual Report Package shall consist of the Annual Report Form (MS4-AR) supplied by DEQ, the updated SWMP, all required attachments, and any additional information requested by DEQ.

The SWMP shall serve as the permittee's primary reporting document for the Annual Report Package. The permittee shall update the SWMP annually to document the implementation of permit requirements that occurred during the preceding calendar year and to reflect how permit requirements will be implemented during the current year.

The Annual Report Form shall be signed in accordance with Part 4.13. By signing the Annual Report Form, the authorized signatory certifies that they have reviewed the entire Annual Report Package, and that, to the best of their knowledge and belief, the information contained in the Annual Report Package, including the updated SWMP and all required attachments, is true, accurate, and complete. Once completed, the form shall identify the required reporting elements and the locations (page numbers) within the SWMP where those elements are documented.

Co-permittees shall submit an annual report form pertaining to their respective permitted MS4(s) unless formal written shared responsibilities allow another entity to complete the annual report form obligations.

3. Special Conditions

3.1. Sharing Responsibility

A small MS4 may share responsibility to implement the minimum control measures with another entity to satisfy their MPDES permit obligations. Shared obligation must be in writing and maintained as part of the permittee's SWMP. In annual reports, the owners and operators of each MS4 must specify if they are relying on another entity to satisfy some, or any, of their permit obligations. Implementation of the control measure, or any component thereof, must be completed to a degree at least as stringent as the corresponding MPDES permit requirement.

Each individual MS4 remains responsible for compliance with its permit obligations if the other entity fails to implement the control measure, or any component thereof. Therefore, DEQ recommends MS4s with shared obligations enter into a legally binding agreement to minimize uncertainty about compliance with this MPDES permit.

3.2. Qualifying Local Program

If a qualifying local program (defined in ARM 17.30.1111(9)) requires a small MS4 to implement one or more of the six minimum control measures, the permittee is directed to follow that qualifying program's requirements rather than the applicable Stormwater Management Program requirements stated in Part 2.1.

3.3. Ownership, Authority, or Responsibility for SWMP Implementation

The permittee must implement the SWMP on all new areas added to the permittee's portion of the Small MS4 (or for which the permittee becomes responsible for implementation of stormwater quality controls) as expeditiously as possible. Within 90 days of transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing the

requirements of this General Permit on all newly added areas. The plan may include phases/schedules for implementation to allow for controls that cannot be implemented immediately. Information on all new annexed areas and any resulting updates to the SWMP must be included in the Annual Report Package.

3.4. Changes in Stormwater Coordinator

If the Stormwater Coordinator person/position, mailing address, email address, or telephone number identified on the application form change, the permittee shall notify the Department in writing within 15 calendar days of the change. Written notice must reference a "change of Stormwater Coordinator", identify the permit authorization number, identify the formal Small MS4 Name as identified on the application, and be signed by a person meeting the signatory requirements of Part 4.13., below.

3.5. Records for Inspection

A copy of the General Permit, permit authorization letter, required SWMP documents, annual reports, discharge monitoring reports (if required), and other pertinent records required by the General Permit shall be maintained by the Stormwater Coordinator and made available to Department inspectors upon request.

3.6. Twenty-Four Hour Notice of Noncompliance or Illicit Discharge

The permittee shall report any serious incident of noncompliance or illicit discharge affecting the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Water Protection Bureau at (406) 444-5546 or the Office of Disaster and Emergency Services at (406) 324-4777. The following examples are considered serious incidents:

- Any noncompliance which may seriously endanger health or the environment.
- Any unanticipated bypass which exceeds any effluent limitation in the permit.
- Any upset which exceeds any effluent limitation in the permit.

4. Standard Conditions

4.1. Duty to Comply

The permittee must 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 termination under the General Permit, or for denial of coverage under this General Permit renewal. The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance.

4.2. Penalties for Violations of Permit Conditions

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to civil or 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(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.

4.3. 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 apply for and obtain a new permit. The reapplication must be submitted at least 30 days before the expiration date of this permit.

4.4. Need to Halt or Reduce Activity Not a Defense

It shall 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.

4.5. Duty to Mitigate

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

4.6. 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) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also include adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

4.7. 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.

4.8. Property Rights

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

4.9. Duty to Provide Information

The permittee shall furnish to DEQ, within a reasonable time, any information requested 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.

4.10. Inspection and Entry

Upon the presentation of credentials and other documents as may be required by law, the permittee shall allow the head of DEQ, the Regional Administrator, or any authorized representative, at reasonable times, 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 any records that must be kept under the conditions of this permit;
- Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- Sample or monitor for any substance or parameters at any location for the purpose of assuring permit compliance.

4.11. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by the Clean Water Act, applications, permits and effluent data shall not be considered confidential.

4.12. Penalties for Falsification and Tampering

The Montana Water Quality Act provides that any person who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method, or makes any false statement, representation, or

certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

4.13. Signatory Requirements

All applications, reports, or information submitted to DEQ or EPA shall be signed and certified. All permit notices of intent shall be signed by either a principal executive officer or ranking elected official. 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 (DAR) of that person. A person is considered a DAR only if:

- The authorization is made in writing by a person described above and submitted to DEQ; and
- The authorization specified 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 a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or an individual occupying a named position.)

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

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."

4.14. 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 could significantly change the nature or increase the quantity of pollutant discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit.

4.15. Anticipated Noncompliance

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

4.16. Transfers

This permit is not transferable to a new permittee. A new owner or operator of a facility must apply according to the standard application procedures 30 days prior to taking responsibility for the Small MS4.

4.17. Other Information

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

facts or information with a narrative explanation of the circumstances of the omission or incorrect submittal and why they weren't supplied earlier.

4.18. 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 an additional assessment computed at the rate established under ARM 17.30.201: and,
- 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 sub-section. Suspensions are limited to one year, after which the permit will be terminated.

4.19. Removed Substances

Collected screenings, grit, solids, sludges, or other pollutants removed during treatment shall be disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard.

4.20. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

4.21. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

4.22. Reopener Provisions

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations (and compliance schedule, if necessary), or other appropriate requirements if one or more of the following events occurs:

- **Water Quality Standards:** The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different permit conditions than contained in this permit.
- **Water Quality Standards are Exceeded:** If it is found that water quality standards or trigger values in the receiving stream are exceeded either for parameters included in the permit or others, the Department may modify the permit conditions or water management plan.
- **TMDL or Wasteload Allocation (WLA):** TMDL requirements or a WLA is developed and approved by DEQ and/or EPA for incorporation in this permit.
- **Water Quality Management Plan:** A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

4.23. Toxic Pollutants

A toxic standard or prohibition is established under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.

5. Definitions and Abbreviations

The following definitions and abbreviates apply to terms used in this permit

- 5.1. **“Act”** means the Montana Water Quality Act, Title 75, chapter 5, MCA.
- 5.2. **“Best Management Practices” (“BMPs”)** means schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state surface waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- 5.3. **“Control Measure”** as used in this General Permit, means any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to state waters.
- 5.4. **“DEQ”** means the Montana Department of Environmental Quality.
- 5.5. **“Facility or activity”** means any MPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the MPDES program.
- 5.6. **“Flow-Weighted Composite Sample”** means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
- 5.7. **“Grab Sample”** for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
- 5.8. **“Green Stormwater Infrastructure” (“GSI”)** refers to ecological systems, both natural and engineered, that act as living infrastructure and mimic or enhance natural hydrologic processes to manage stormwater, reduce runoff impacts, and support water quality, while also providing social, economic, and environmental benefits.
- 5.9. **“Hazardous Substance”** means any substance designated under 40 CFR Part 116 pursuant to section 311 of the federal Clean Water Act.
- 5.10. **“Illicit Connection”** means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- 5.11. **“Illicit Discharge”** means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to an MPDES permit (other than the MPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.
- 5.12. **“Maximum Extent Practicable” (“MEP”)** is the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by the Clean Water Act, Section 402(p). A discussion of MEP as it applies to Small MS4s is found in ARM 17.30.1111(5). The MEP standard requires the development, implementation, and enforcement of measures including BMPs, control techniques, system design, engineering methods, and other provisions that the Department determines to be appropriate for the control of such pollutants. MEP is an iterative, dynamic, flexible standard that the permittee shall evaluate and update continuously, as necessary, to better tailor or expand the program based on its effectiveness in reducing pollutant discharge load.
- 5.13. **“Municipal Separate Storm Sewer System” (“MS4”)** means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-

made channels, or storm drains) that discharges to surface waters and is: (a) owned or operated by the state of Montana, a governmental subdivision of the state, a district, association, or other public body created by or pursuant to Montana law, including special districts such as sewer districts, flood control districts, drainage districts and similar entities, and designated and approved management agencies under section 208 of the federal Clean Water Act, which has jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, and is:

- designed or used for collecting or conveying storm water;
- not a combined sewer; and
- not part of a publicly owned treatment works (POTW) as defined in ARM Title 17, chapter 30, subchapter 13.

- 5.14. “Non-Traditional MS4”** means MS4s which are designated as Small MS4s but are not cities or counties, such as drainage districts, transportation agencies, municipal utility districts, military bases, prisons and universities.
- 5.15. “Outfall”** means a physical location where conveyance structures discharge pollutants of storm water into surface water or where they leave the boundary of the designated MS4. The term does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances that connect segments of the same stream or other surface waters and that are used to convey surface waters.
- 5.16. “Owner or Operator”** means a person or entity who owns, leases, operates, controls, or supervises a point source.
- 5.17. “Permit Year”** means a calendar year within the term of this general permit, ending December 31st. The first permit year begins on the date of authorization and ends on December 31st of that same calendar year. Each subsequent permit year begins on January 1st and ends on December 31st.
- 5.18. “Point Source”** means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- 5.19. “Pollutant”** means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water. The terms "sewage," "industrial waste," and "other wastes" as defined in 75-5-103, MCA, are interpreted as having the same meaning as pollutant.
- 5.20. “Process Wastewater”** means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
- 5.21. “Site”** means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
- 5.22. “Small Municipal Separate Storm Sewer System”** means a small municipal separate storm sewer system. Small MS4s in Montana are defined under ARM 17.30.1102(23).

- 5.23. "State Waters"** means a body of water, irrigation system, or drainage system, either surface or underground. The term does not apply to:
- 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.
- 5.24. "Stormwater/Storm Water"** means stormwater runoff, snow melt runoff, and surface runoff and drainage. The two words are interchangeable and do not have or hold different meanings.
- 5.25. "Stormwater Management Program" ("SWMP")** means a comprehensive program to manage the quality of storm water discharged from the Small municipal separate storm sewer system.
- 5.26. "Stormwater Pollution Prevention Plan" ("SWPPP")** means a document developed to help identify sources of pollution potentially affecting the quality of stormwater discharges associated with a facility or activity, and to ensure implementation of measures to minimize and control pollutants in stormwater discharges associated with a facility or activity. DEQ determines specific requirements and information to be included in a SWPPP based on the type and characteristics of a facility or activity, and on the respective MPDES permit requirements.
- 5.27. "Surface Waters"** means any waters on the earth's surface including, but not limited to, streams, lakes, ponds, and reservoirs, and irrigation and drainage systems discharging directly into a stream, lake, pond, reservoir, or other surface water. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water.
- 5.28. "Time-Weighted Composite Sample"** means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
- 5.29. "Total Maximum Daily Load" ("TMDL")** means the sum of the individual waste load allocations for point sources and load allocations for both nonpoint sources and natural background sources established at a level necessary to achieve compliance with applicable surface water quality standards.
- 5.30. "Traditional MS4"** means all cities and counties covered by this General Permit.
- 5.31. "Waste Load Allocation" ("WLA")** means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources.

Appendix A: MS4-Related TMDLs with Approved WLAs

MS4-related TMDLs and approved WLAs are summarized below. For full requirements and information, please review the documents in their entirety at the listed web addresses.

City of Helena

- Name of TMDL: Framework Water Quality Restoration Plan and Total Maximum Daily Loads (TMDLs) for the Lake Helena Watershed Planning Area: Volume II – Final Report (August 2006);
<http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/M09-TMDL-02a.pdf>
- Pollutants of Concern: Total Phosphorus, Total Nitrogen, Total Suspended Solids
- MS4 WLA: None specified
- Assumptions and Actions: To meet the intent of the TMDL goals and future recommendations, Helena must follow their permit requirements, evaluate potential impacts to impaired receiving waters, and utilize monitoring to implement an adaptive management approach to minimize pollutant loads.

City of Great Falls

- Name of TMDL: Water Quality Restoration Plan and Total Maximum Daily Loads for the Sun River Planning Area (December 2004);
<http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/M13TMDL-01a.pdf>
- Pollutants of Concern: Total Phosphorus, Total Nitrogen, and Sediment
- MS4 WLA: None specified
- Assumptions and Actions: To meet the intent of the TMDL goals and future recommendations, Great Falls must follow their permit requirements, evaluate potential impacts to impaired receiving waters, and utilize monitoring to implement an adaptive management approach to minimize pollutant loads.

City of Bozeman and Montana State University-Bozeman

- Name and Date of TMDL: Lower Gallatin Planning Area TMDLs & Framework Water Quality Improvement Plan (March 2013);
<http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/M05TMDL-02a.pdf>
- Pollutants of Concern: Total Suspended Solids, Total Phosphorus, Total Nitrogen, and E.coli
- MS4 WLAs: WLAs apply to all MS4s that were co-permittees at the time of TMDL development; therefore, WLAs are aggregated and not individually assigned to each MS4.
 - TSS – 137 tons/year for Bozeman Creek watershed and 3.4 tons/year for Bear Creek watershed based on a 37% reduction in sediment loads.
 - Nutrients – Since the stormwater system should not be actively discharging during typical summer low flow conditions, both the existing load and WLA are defined as zero for Bozeman Creek, East Gallatin River, Bridger Creek, and Mandeville Creek.
 - Escherichia coli (E. coli) – The MS4 will be assigned a WLA of zero in Bozeman Creek when the stormwater system is not activated.
- Assumptions and Actions: Percent reduction allocations and WLAs are not intended to add load limits to the permit. When the stormwater system is activated, WLAs are met by adhering to the permit requirements to minimize pollutant loads. Monitoring data should continue to be evaluated to assess BMP performance, help determine where additional BMPs may be necessary, and implement an adaptive management approach to minimize pollutant loads. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve WLAs for nutrients and E.coli.

Butte-Silver Bow (BSB)

- Name and Date of TMDL: Upper Clark Fork Phase 2 Sediment and Nutrients TMDLs and Framework Water Quality Improvement Plan (April 2014);
<http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C01-TMDL-04a.pdf>

- Pollutants of Concern: Total Phosphorus, Total Nitrogen, Total Suspended Solids, Metals (Arsenic, Cadmium, Copper, Lead, Mercury, and Zinc)
- MS4 WLAs:
 - TSS – 179 tons/year to Silver Bow Creek (a 76% reduction from the current estimated loads).
 - Nutrients – Zero lbs/day total nitrogen and total phosphorus in Silver Bow Creek when the stormwater system is not activated.
 - Metals – The BSB MS4 and the Butte Area Superfund Site are presently addressed in Silver Bow Creek via a composite WLA (WLA Butte) due to areas that overlap:
 - Arsenic: 2.38 lbs/day
 - Cadmium: 0.07 lbs/day
 - Copper: 2.85 lbs/day
 - Lead: 1.09 lbs/day
 - Mercury: 0.01 lbs/day
 - Zinc: 36.6 lbs/day
- Assumptions and Actions: Percent reduction allocations and WLAs are not intended to add load limits to the permit. When the stormwater system is activated, WLAs are met by adhering to the permit requirements to minimize pollutant loads. Additionally, the Superfund site has the goal of meeting water quality targets in Silver Bow Creek with direction from the CERCLA program. Monitoring data should continue to be evaluated to assess BMP performance, help determine where additional BMPs may be necessary, and implement an adaptive management approach to minimize pollutant loads. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve the WLA for nutrients.

Kalispell

- Name and Date of TMDL: Flathead-Stillwater Planning Area Nutrient, Sediment, and Temperature TMDLs and Water Quality Improvement Plan (December 2014) which references Flathead Lake Nutrient TMDL Document (Phase 1, 2002);
<http://deq.mt.gov/Portals/112/Water/WQPB/TMDL/PDF/FlatheadStillwater/C11-TMDL-02a.pdf>
- Pollutants of Concern: Total Phosphorus, Total Nitrogen, Nitrate + Nitrite, Dissolved Oxygen, Sediment, Temperature
- MS4 WLAs:
 - Phosphorus – 15 lbs/growing season for Middle Ashley Creek (44% reduction), 13 lbs/growing season for Spring Creek (44% reduction), and 54 lbs/growing season for Lower Ashley Creek (44% reduction).
 - Nitrogen – 292 lbs/growing season for Middle Ashley Creek (30% reduction), 269 lbs/growing season for Spring Creek (30% reduction), and 1030 lbs/growing season for Lower Ashley Creek (30% reduction).
 - Nitrate + Nitrite – Water quality improvements that address excess total nitrogen loading will also result in decreased Nitrate + Nitrite loading and concentrations.
 - Sediment – 15.4 tons/year for Middle Ashley Creek (62% reduction), 46.5 tons/year for Lower Ashley Creek (62% reduction), and 16.5 tons/year for Stillwater River (62% reduction).
 - Dissolved Oxygen and Temperature – None specified.
- Assumptions and Actions: The Kalispell MS4 only sporadically discharges during the dry summer growing season. Percent reduction allocations and WLAs are not intended to add load limits to the permit. When the stormwater system is activated, WLAs are met by adhering to the permit requirements to minimize pollutant loads. Water quality improvements addressed in Nutrient TMDLs will result in improved DO concentrations and discharge temperatures will be consistent with naturally occurring conditions by adhering to the permit requirements. Monitoring data should continue to be evaluated to assess BMP performance, help determine where additional BMPs may be necessary, and implement an adaptive management approach to minimize pollutant loads.

City of Missoula and University of Montana-Missoula

- Name and Date of TMDL: Silver Bow Creek and Clark Fork River Metals TMDLs (May 2014); <http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C01-TMDL-05a.pdf>, Bitterroot Watershed Total Maximum Daily Loads and Water Quality Improvement Plan (December 2014); <http://deq.mt.gov/Portals/112/Water/WQPB/TMDL/PDF/Bitterroot/C05-TMDL-04a.pdf>, Bitterroot Temperature and Tributary Sediment Total Maximum Daily Loads and Framework Water Quality Improvement Plan (August 2011); <http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C05TMDL-03a.pdf>, and Central Clark Fork Basin Tributaries TMDLs and Water Quality Improvement Plan (September 2014); <http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/COL-TMDL-01a.pdf>
- Pollutants of Concern: Total Nitrogen, Sediment, Metals (Arsenic, Cadmium, Copper, Lead, Iron, and Zinc)
- MS4 WLAs:
 - Nutrients – Zero lbs/day for Grant Creek.
 - Sediment – 7.8 tons/year for Grant Creek (53% reduction).
 - Temperature – None specified.
 - Metals
 - Clark Fork River (MT76M001_030, Blackfoot River to Rattlesnake Creek) (55% reduction).
 - Copper: 0.009 lbs/day
 - Lead: 0.0045 lbs/day
 - Zinc: 0.00004 lbs/day
 - Clark Fork River (MT76M001_020, Rattlesnake Creek to Fish Creek) (40% reduction).
 - Copper: 1.1 lbs/day
 - Lead: 0.51 lbs/day
 - Bitterroot River (54% reduction)
 - Lead: 0.08 lbs/day
- Assumptions and Actions: Percent reduction allocations and WLAs are not intended to add load limits to the permit. When the stormwater system is activated, WLAs are met by adhering to the permit requirements to minimize pollutant loads. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve the WLA for nutrients. Monitoring data should continue to be evaluated to assess BMP performance, help determine where additional BMPs may be necessary, and implement an adaptive management approach to minimize pollutant loads. Missoula must follow their permit requirements, evaluate potential impacts to impaired receiving waters, and implement Low Impact Development practices to meet the intent of the TMDL goals and future recommendations.