Water Quality Division
Montana Pollutant Discharge Elimination System (MPDES)

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

Fact Sheet

Permit Number:	MTR040000
Permit:	General Permit for Stormwater Discharges Associated with Small Municipal Separate Storm Sewer Systems (MS4s)
Receiving Water:	State Surface Waters
Location:	Statewide, within identified or designated Small MS4s (except within the boundaries of Indian Reservations)
Fact Sheet Date:	August 17, 2026

Table of Contents

1. Summary

The Department of Environmental Quality (DEQ) proposes to renew the Montana Pollutant Discharge Elimination System (MPDES) General Permit for Stormwater Discharges Associated with Small Municipal Separate Storm Sewer Systems (MS4), MTR040000. This fact sheet documents the legal requirements and technical rationale that serve the decision-making process involved with the draft permit's effluent limits, monitoring and reporting requirements, and special conditions specific to MS4 discharges in Montana.

1.1. Permit Status

The MS4 General Permit is a sixth-generation permit, first issued in 2005 and most recently renewed in April 2022. The currently effective General Permit expires March 31, 2027.

1.2. MS4 Working Group Collaborative Process

To support the 2027 General Permit, DEQ convened and led a statewide MS4 working group composed of representatives from permitted cities, counties, non-traditional MS4s, non-profits, consulting firms, and various other entities involved in MS4 program implementation and water quality in Montana. This collaborative process builds on a working group model initiated in 2014, which DEQ has continued through successive permit cycles.

Over the course of multiple meetings held throughout 2025 and 2026, DEQ and the workgroup evaluated the current status of stormwater management programs across the state. Discussions were informed by DEQ's review of submitted stormwater management programs (SWMPs), annual reports, site visits, implementation challenges, research, and observed national trends in MS4 permitting and program administration.

Building on these discussions and evaluations, the working group used this information to then identify strengths and recurring challenges, determine where clarification, refinement, and structural adjustments were needed, and consider where new program elements in the General Permit were warranted. Through this iterative process, DEQ used input from the working group, along with the administrative record to develop proposed revisions intended to support consistent statewide implementation of the Montana Small MS4 framework, strengthen alignment between permit requirements and on-the-ground practices, and advance progress toward meeting the Maximum Extent Practicable (MEP) standard and protecting water quality in Montana.

The cooperative development process informed the proposed changes described in this fact sheet and reflects DEQ's continued commitment to an iterative, transparent, and statewide approach to MS4 permitting.

2. Background Information

This section provides the statutory and regulatory framework governing the MPDES General Permit for Stormwater Discharges Associated with Small Municipal Separate Storm Sewers (MPDES Small MS4 General Permit), as well as the broader program context in which the permit is developed and implemented in Montana.

2.1. Statutory and Regulatory Authority

The Montana Water Quality Act (MWQA), Title 75, chapter 5, MCA, provides DEQ with the authority to regulate discharges to state waters and to issue permits, including general permits, for such discharges. This authority includes establishing a comprehensive program for the prevention, abatement, and control of water pollution (MCA 75-5-101), requiring permits for discharges to state waters (MCA 75-5-605), authorizing issuance of permits (MCA 75-5-401), and adopting rules necessary to implement the

program (MCA 75-5-201). DEQ implements the MPDES permitting program under this statutory framework and associated administrative rules.

The Clean Water Act (CWA), 33 U.S.C. § 1252 et seq., establishes the national framework for regulating discharges of pollutants to Waters of the United States (WOTUS). Section 402 of the CWA (33 U.S.C. § 1342) creates the National Pollutant Discharge Elimination System (NPDES) permitting program, which requires permits for point source discharges and establishes technology-based and water quality-based effluent limitations. EPA regulations at 40 CFR Parts 122 and 123 define NPDES permitting requirements and authorize states to administer the program upon EPA approval. EPA approved Montana's NPDES program in 1974 (39 FR 2601), and Montana administers the program as the MPDES program in accordance with federal requirements.

Section 402(p) of the CWA (33 U.S.C. § 1342(p)) and implementing regulations at 40 CFR § 122.26 and § 122.34 establish permitting requirements for stormwater discharges, including those from small municipal separate sewer systems (MS4s). These regulations require small MS4 operators to obtain permit coverage and to develop, implement, and maintain a stormwater management program (SWMP) that addresses six minimum control measures (MCMs) to reduce the discharge of pollutants to the maximum extent practicable (MEP) and to protect water quality. In Montana, these federal requirements are implemented through the MPDES Small MS4 General Permit, which establishes enforceable conditions governing stormwater discharges from regulated MS4s.

2.2. Phase II Small MS4 Requirements and Implementation Framework

On December 9, 2016, EPA published the MS4 Permit Remand Rule, which addresses how small MS4s obtain permit coverage, including public notice and permit requirements. The rule provides states with a choice of two options for issuance of MS4 general permits, a comprehensive or two-step approach. Montana has chosen to issue this iteration as a Comprehensive General Permit with clear, specific, and measurable requirements with which each permittee must comply.

Control of pollutants under the MPDES program is established through effluent limits and other requirements in MPDES permits. These include technology-based effluent limits (TBELs) that specify a minimum level of treatment or control based on available technologies, as well as water quality-based effluent limits (WQBELs) designed to protect beneficial uses of the receiving water where technology-based controls alone are not sufficient. For small MS4 permits, federal regulations and state rules allow non-numeric, practice-based effluent limits where numeric limits are not practicable and direct the permitting authority to express required levels of pollutant reduction through management practices, control techniques, system design, and engineering methods. In this permit those requirements are implemented through best management practices (BMPs) that are selected, designed, installed, implemented, inspected, and maintained in accordance with good engineering, hydrologic, and pollutant control practices. Implementation of the Stormwater Management Program (SWMP) and all other applicable permit provisions satisfies the requirement to reduce pollutants from regulated small MS4s to the maximum extent practicable (MEP) and to meet applicable TBEL and WQBEL requirements for these stormwater discharges.

Effluent limits contained in the 2027 General Permit for Storm Water Discharges associated with Small MS4s are non-numeric and reflect DEQ's determination of the level of controls needed to reduce the discharge of pollutants from the Small MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the federal Clean Water Act. Non-numeric effluent limits are practice-based effluent limits or the implementation of Best Management Practices (BMPs) that can be authorized in lieu of numeric limits, where "[n]umeric effluent limits are infeasible" (40 CFR 122.44(k)(3) and adopted by reference in ARM 17.30.1344(2)(b)). ARM 17.30.1111(5) requires the Small MS4 to develop, implement, and enforce a Stormwater Management

Program (SWMP) to satisfy technology requirements and protect water quality. The SWMP must include the following six minimum control measures (MCMs): Public Education and Outreach; Public Involvement and Participation; Illicit Discharge Detection and Elimination; Construction Site Stormwater Runoff Control; Post-Construction Stormwater Management in New Development and Redevelopment; and Pollution Prevention and Good Housekeeping for Permittee Operations.

Implementation of BMPs consistent with the six MCMs and all other provisions of the permit including all BMPs listed in the permit is designed to support compliance with the standard of reducing pollutants to the maximum extent practicable. BMPs are implemented to eliminate or minimize the migration of pollutants to surface waters. Montana's surface water quality standards will be maintained for discharges from Small MS4s through water quality-based controls and implemented with BMPs through the iterative process of the MS4 stormwater program. Maximum extent practicable (MEP) is the statutory standard that directs the permitting authority, DEQ, to establish the level of pollutant reductions that permittees of regulated Small MS4s must achieve including management practices, control techniques, system design, and engineering methods. The MEP standard is a unique permitting approach developed specifically for MS4s. In developing the permit's MEP-based requirements, DEQ established General Permit requirements informed by DEQ's review of permittee SWMPs and annual reports, the statewide MS4 working group process, and EPA guidance, to reflect the level of pollutant reductions achievable for regulated small MS4s in Montana. Consistent with EPA's Phase II Final Rule and the Remand Rule, DEQ has determined that the achievement of MEP is an iterative and evaluative process. DEQ will reassess MEP with each permit renewal cycle and this standard will continually adapt to current MS4 conditions and BMP effectiveness. To facilitate this iterative process, this 2027 General Permit renewal continues to use a prescriptive approach with clear, specific, measurable, and enforceable requirements to allow DEQ to assess whether stormwater management plans are meeting the MEP standard.

Stormwater discharges can be highly intermittent, are usually characterized by high flows occurring over relatively short time intervals, and can carry a variety of pollutants whose source, nature and extent varies. This is in direct contrast to more traditional process wastewater discharges from a particular industrial or commercial facility where the effluent is generally more predictable and can be more effectively analyzed to develop numeric effluent limitations. DEQ includes non-numeric effluent limits in MPDES permits, such as the MS4 General Permit, as requirements mandating facilities to "minimize" various types of pollutant discharges or implement control measures. Based on DEQ's review of permittee SWMPs and annual reports, the statewide MS4 working group process, and EPA guidance on pollution prevention as a primary stormwater control strategy, DEQ has determined that the combination of pollution prevention and structural management practices required by these limits represents the best technologically available and economically achievable controls and the most environmentally sound approach to controlling the discharge of pollutants in stormwater discharges and protecting water quality. Pollution prevention continues to be the cornerstone of the MPDES stormwater program.

2.3. Basis for Regulating Small MS4s in Montana

Municipal separate storm sewer systems (MS4s) are defined under federal law (40 CFR § 122.26)) as 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 are:

- 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.

Under the Clean Water Act, a "point source" includes any discernible, confined, and discrete conveyance such as a pipe, ditch, channel, tunnel, or conduit (33 U.S.C. § 1362(14)). Stormwater discharges from small MS4s therefore constitute regulated point source discharges, and under federal regulations require operators to obtain permit coverage and implement control measures sufficient to reduce pollutant discharges and protect water quality (40 CFR § 122.32(a)(2)). In Montana, these requirements are administered through the MPDES program and apply to MS4s designated under the Phase II regulatory framework.

As land is developed, stormwater runoff changes in both quantity and quality when impervious surfaces and engineered drainage networks replace infiltration, storage, and slow-release functions that normally occur on undisturbed landscapes. Streets, roofs, parking areas, and compacted soils reduce infiltration and groundwater recharge, increase runoff volume, increase peak discharge rates, and shorten the time between precipitation and downstream response. MS4 conveyance systems that efficiently route runoff to outfalls concentrate flows and increase the frequency and magnitude of runoff-driven stressors on receiving waters. These altered hydrologic conditions can contribute to channel erosion and sediment mobilization, destabilized habitat, and changes in receiving-water conditions that can affect beneficial uses.

Stormwater discharges transport pollutants generated by concentrated human activities through MS4 collection and conveyance systems to receiving waters, frequently without treatment. Common sources include roadway and transportation-related deposition (vehicle fluids, tire and brake wear, metals, and hydrocarbons), construction and land disturbance (sediment and sediment-bound pollutants), residential and commercial activities (nutrients from fertilizers, chemicals from pesticides, bacteria associated with pet waste and other sanitary sources, and trash and debris), and municipal and industrial area operations (material handling, storage, and outdoor work areas). During precipitation and snowmelt events, these pollutants are washed from impervious surfaces into storm drains and conveyed through an MS4 and to outfalls, increasing pollutant loading and impacting receiving waters. This contributes to common waterbody impairments in urbanized areas, including elevated nutrient and sediment, bacteria exceedances, metals accumulation, and aquatic habitat degradation, many of which are reflected in impaired waterbody listings and approved TMDLs. Together, the hydrologic changes associated with development and the pollutant loading conveyed through MS4 discharges are the core basis for regulating small MS4s under the Phase II framework and for implementing state permit requirements intended to protect water quality and beneficial uses.

3. Permit Applicability

EPA promulgated the Storm Water Phase II Rule, extending coverage of the National Pollutant Discharge Elimination System (NPDES) storm water program to certain "Small" MS4s. These Small MS4s can be 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. This may also include other similar separate storm sewer systems such as, at military bases, large hospitals or prison complexes, and highways or other thoroughfares. Small MS4s can be designated by the permitting authority under two options:

Automatic Nationwide Designation: Phase II rules require permit coverage for operators of small MS4s located within the boundaries of a Census-defined "urban area with a population of 50,000 or more people" based on the latest decennial Census.

Designation by the Permitting Authority by Evaluation (State Discretionary Designation): Beyond the automatically designated universe, an operator of a Small MS4 located outside a Census-defined "urban area with a population of 50,000 or more people" may be designated as a regulated MS4 if the permitting authority determines that its discharge(s) cause, or have the potential to cause, an adverse impact on water quality and as further set forth in ARM 17.30.1107.

Coverage under the Small MS4 General Permit is required upon official notification of designation by DEQ, following review of the latest decennial census by the United States Census Bureau.

3.1. Entities Subject to This Permit

The following MS4 operators are designated and subject to coverage under this permit at the time of issuance.

Table 1. MS4 Operators Subject to Small MS4 General Permit Coverage

MS4
Cascade County
City of Belgrade
City of Billings
City of Bozeman
City of Butte
City of East Helena
City of Great Falls
City of Helena
City of Kalispell
City of Missoula
Gallatin County
Lewis and Clark County
Malmstrom Air Force Base
Missoula County
Montana Department of Transportation (MDT)
Montana State University
University of Montana
Yellowstone County

3.2. 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.

3.3. 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.

3.4. Coverage Area of Permitted MS4s

This permit covers areas that are served by, or contribute to, municipal separate storm sewers that discharge to state waters. For municipalities designated under ARM 17.30.1102(23)(a) and (b), the geographic area of permit coverage includes the entire municipal incorporated boundary. For counties designated under ARM 17.30.1102(23)(a), the geographic area of permit coverage is limited to the U.S. Census-designated urban areas within the county, as determined by the latest decennial census. For all other permitted MS4s designated 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 associated with the municipal separate storm sewer system, extending to the site boundary. For MDT, permit coverage includes all 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 another MS4 permittee's permit area. "Another permittee's permit area" includes the following:

- Cities: For all cities required to obtain coverage under MTR040000, the geographic area of permit coverage includes the entirety of the municipal incorporated boundary. The cities include the following:
    - City of Belgrade, City of Billings, City of Bozeman, City of Butte, City of East Helena, City of Great Falls, City of Helena, City of Kalispell, and City of Missoula.
- Counties: The U.S. Census designated urban areas within Cascade County, Gallatin County, Lewis and Clark County, Missoula County, and Yellowstone County.

4. Effluent Limitations and Monitoring Framework

The federal small MS4 framework does not rely on end-of-pipe numeric effluent limits as the primary mechanism for reducing discharges of pollutants in municipal stormwater. Instead, MS4 permits satisfy Clean Water Act permitting requirements by establishing enforceable terms and conditions that require implementation of specific stormwater controls, including programmatic requirements and BMP-based measures, expressed in clear, specific, and measurable terms. As described in Section 2.2, implementation of BMPs consistent with the six MCMs and all other applicable permit provisions forms the basis for DEQ's

determination that the permit satisfies the requirement to reduce pollutants to the maximum extent practicable (MEP) and to meet applicable water quality requirements of the Clean Water Act. Accordingly, the effluent limitation structure in this permit is expressed through these enforceable programmatic and BMP-based requirements, rather than numeric end-of-pipe limits.

In developing the effluent limitation structure for this permit, DEQ evaluated information from the current permit cycle, including SWMP submittals, annual reports, implementation experience, and monitoring information, to determine where more specific statewide requirements were needed to make BMP-based controls reviewable and enforceable. Where the draft permit adds or refines prescriptive requirements, DEQ has determined that those provisions are necessary to express MEP in clear, specific, and measurable terms under the comprehensive permit approach and to provide a more reliable basis for evaluating whether the permit is protecting water quality.

4.1. Monitoring Framework

Monitoring under this permit is established to support evaluation of stormwater discharge characteristics, assess the effectiveness of implemented BMPs, and inform ongoing program implementation within the SWMP, rather than to serve as a numeric compliance threshold or effluent limitation. Monitoring is structured as a defined, statewide storm event monitoring program applicable to all authorized small MS4s and functions as part of the overall permit implementation and evaluation framework. In structuring the monitoring program for this permit cycle, DEQ reviewed SWMP submittals, annual reports, and monitoring data characterizing stormwater discharges and evaluating BMP effectiveness. That review indicated that a consistent, statewide minimum monitoring framework with defined parameters, location requirements, and semi-annual frequency provides a more reliable basis for characterizing discharge conditions and evaluating program implementation across permittees. DEQ determined that a defined statewide program is necessary to generate comparable, program-level data across the regulated MS4 universe and to support DEQ's ability to evaluate whether permit requirements are achieving their intended water quality and pollutant reduction objectives over time.

All permittees are therefore required to perform sampling, testing, and reporting of stormwater discharges during a storm event with a measurable amount of discharge on a semi-annual basis (one monitoring event between January 1 and June 30, and one between July 1 and December 31) of each permitted calendar year. DEQ has determined that semi-annual monitoring is the minimum statewide frequency that reasonably captures stormwater discharge conditions across distinct periods of pollutant accumulation and mobilization relevant to Montana’s climate and runoff patterns, including snowmelt-driven runoff, rainfall-driven storm events, and differing antecedent dry periods, while remaining practicable for regulated small MS4s. Requiring one monitoring event in each half of the calendar year provides a more representative statewide baseline than a single annual event and supports clearer, more comparable evaluation of stormwater quality and BMP implementation across permittees. All analytical procedures must comply with 40 CFR Part 136, and monitoring results must be submitted electronically through NetDMR. DEQ reserves the right to require additional stormwater sampling, testing, and reporting on a case-by-case basis.

Each permittee must establish and document within the SWMP a network of at least four monitoring locations within the permitted geographic area. DEQ has determined that multiple monitoring locations are necessary to provide a minimally representative characterization of stormwater discharges across the MS4, because of land use, pollutant sources, and drainage conditions vary within regulated areas and a single outfall or small number of outfalls may not reasonably characterize overall discharge conditions. DEQ's review of monitoring data and SWMP submittals from prior permit cycles indicated that permittees relying on fewer than four locations, or on locations concentrated within a single drainage area or land use type, produced monitoring records that were insufficient to characterize

spatial variability in discharge quality across the MS4 or to meaningfully evaluate BMP effectiveness at a program level. A minimum network of four geographically distributed locations representing distinct land use and drainage conditions is therefore necessary to generate monitoring data that is representative of the MS4 as a whole and that supports DEQ's evaluation of permit implementation and stormwater quality trends over the permit cycle.

At least one location must represent a predominantly commercial and/or industrial drainage area and at least one location must represent a predominately residential drainage area. These minimum land use categories are required to ensure that monitoring captures stormwater quality associated with distinct and common pollutant-generating activities within the MS4, including higher-intensity commercial/industrial sources and diffuse residential sources. One monitoring location may be located upstream, outside the MS4 boundary, to evaluate water quality entering the MS4. This upstream monitoring option allows permittees to differentiate between background water quality conditions and pollutant contributions attributable to the MS4.

Baseline monitoring parameters required at each monitoring location include the following parameters listed in Table 2, below. These parameters were selected from EPA-published pollutants used to characterize urban stormwater runoff and were incorporated by DEQ into the permit as a statewide baseline monitoring suite. The selected parameters include conventional pollutants, nonconventional pollutants, nutrients, and metals (total recoverable) commonly associated with municipal stormwater discharges from roads, developed areas, construction-related sediment sources, and municipal operations. DEQ has determined that this parameter suite is a practical minimum set of indicators needed to characterize stormwater quality across differing land uses, seasonal conditions, and discharge patterns within regulated small MS4s and to support future permit development, program evaluation, and impaired-water assessments without establishing numeric end-of-pipe compliance thresholds.

Table 2. 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

[(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).

In addition to the baseline statewide storm event monitoring parameters above, the permit requires additional or more specific monitoring requirements where necessary to address discharges to impaired waters or to impaired waters with EPA-approved TMDLs. DEQ has retained this framework because a uniform statewide baseline alone may not provide sufficient information to evaluate pollutants associated with listed impairments, assess implementation of pollutant-specific BMPs, or inform progress toward applicable wasteload allocations where those allocations exist. These additional monitoring requirements are intended to support evaluation of pollutant sources, assess progress toward applicable wasteload allocations (WLAs), and inform future permit development and renewal; they are not used to redefine or modify permit requirements outside of a formal permit action.

4.2. Mixing Zones

No mixing zones are authorized under this General Permit.

4.3. Nondegradation

The Montana Water Quality Act includes a nondegradation policy applicable to high-quality state waters and to permit actions involving new or increased sources that may cause a change in existing water quality. This permit action is the reissuance of a general permit for existing sources and does not newly authorize an increased pollutant load through this permit action itself. The permit continues to regulate the same category of discharges through BMP-based effluent limitations and related requirements designed to reduce pollutants to the MEP and protect water quality, DEQ has therefore determined that reissuance of this General Permit does not require nondegradation review and that the permit remains protective of applicable water quality standards and beneficial uses.

5. Proposed Permit Changes

DEQ’s draft 2027 permit revisions are intended to address implementation and administration issues identified through the statewide MS4 working group process and DEQ’s review of SWMPs and annual reporting, including clarification, refinement, and structural adjustments where warranted.

5.1. Coverage Area of Permitted MS4s

The 2027 permit adds a coverage area clarification specific to MDT as a non-traditional transportation MS4. Because MDT operates a linear statewide highway system rather than a defined municipal boundary, the standard non-traditional MS4 coverage definition does not fully describe the geographic scope of MDT's regulated MS4 footprint. The 2027 permit clarifies that for MDT, permit coverage includes all areas of the Montana state highway system and associated rights-of-way, as well as any permittee-owned and operated properties, within another MS4 permittee's permit area. The permit further defines "another permittee's permit area" by identifying the cities and county urban areas currently regulated under MTR040000 within which MDT's coverage applies. This clarification establishes a clear and administrable coverage boundary for MDT that is consistent with the non-traditional MS4 framework under ARM 17.30.1102(23)(d) and provides the geographic foundation for MDT's monitoring obligations under Part 2.8.

5.2. Stormwater Management Program (SWMP)

The draft 2027 permit shifts several program administration and documentation elements so the SWMP functions more explicitly as the primary program record. Under the prior permit structure, key implementation information was sometimes dispersed between SWMPs, annual reports, internal checklists, and other supporting records which made it more difficult for DEQ, permittees and the public to identify the current program requirements, determine what program elements had changed, and evaluate implementation over time. The draft also adds explicit placement requirements for the stormwater management team organizational chart by requiring it be placed at the front of the SWMP, before any MCM documentation, and clarifies annual review and update of that chart through the

SWMP Updates process. These changes are intended to improve the organization, transparency, and reviewability of the permittee's stormwater program documentation so that DEQ, the permittee, and the public can more readily identify how permit-required elements are being implemented, maintained, and updated over time. The purpose of these revisions is to support clearer and more consistent implementation of existing permit requirements, improve administrative traceability across reporting cycles, and reduce fragmentation between the SWMP, annual reporting, and supporting program records. The SWMP documents how the permittee implements the fixed, comprehensive permit requirements that embody MEP; it does not create new obligations beyond those in the permit. Accordingly, these revisions do not establish new substantive requirements through SWMP review or comment, but instead clarify how permittees are expected to document and demonstrate implementation of requirements that already exist in the permit.

The draft 2027 permit also includes implementation schedule language for SWMP development and implementation to provide clear compliance timing for newly designated MS4s added to the regulated universe following review of the 2020 decennial census. This change is intended to ensure that newly covered permittees have an expressed schedule for developing and documenting permit-required program elements within the fixed framework of the permit.

5.3. Minimum Control Measures 1 & 2: Public Education, Outreach, Involvement, and Participation

DEQ's review of SWMP submittals and annual reports from the 2022 permit cycle identified significant variability in how permittees identified target audiences, developed and implemented outreach strategies, and tracked program performance under MCMs 1 and 2. The 2022 General Permit did not establish minimum documentation requirements, baseline target audience categories, or measurable performance tracking standards for public education, outreach, or involvement activities, leaving permittees with broad discretion in how they designed and documented their programs. As a result, DEQ observed that many permittees lacked documentation sufficient to evaluate whether outreach activities were reaching audiences with meaningful connections to stormwater quality, whether strategies were being selected based on program needs, or whether performance was being tracked in a way that supported adaptive management. The 2027 draft permit addresses these implementation gaps by establishing baseline target audience requirements, minimum documentation standards for audience selection and outreach strategy rationale, and defined performance tracking methods, in order to make MCM 1 and 2 implementation more consistent, reviewable, and evaluable across the regulated universe.

The draft 2027 permit establishes baseline key target audiences, requiring all permittees to include Residents and the Construction and Development Industry as baseline audiences (with a transportation MS4-specific carveout), which together satisfy two of the minimum four required key target audiences. It also adds definitions and scope language for those baseline audiences, including a functional definition of "Residents" and an expanded definition of the Construction and Development Industry that explicitly includes owners, operators, developers, contractors, engineers, site-personnel, and other responsible parties, and ties that audience to specific construction-related activities and pollutant mobilization pathways. These revisions are intended to ensure that permittees consistently direct education, outreach, involvement, and participation efforts toward audiences that commonly generate, influence, or can reduce stormwater pollutant discharges within regulated MS4 areas. By identifying baseline audiences statewide, the draft permit establishes a minimum level of program focus while still preserving permittee discretion to select additional audiences based on local conditions, pollutant sources, and implementation priorities.

The draft also adds minimum documentation elements for each selected key target audience, including documenting (1) the stormwater pollutants and pollutant constituents commonly associated with the audience within the MS4 and (2) the basis for selecting the audience, including an explicit requirement

that the basis be grounded in pathways and implementation-relevant factors. The 2022 permit required annual review and identifying pollutants associated with each selected audience but did not include the same structured minimum documentation standard for the basis and grounding factors. These documentation requirements are intended to improve the technical basis for audience selection and help demonstrate that public education, outreach, involvement, and participation efforts are tied to pollutant sources, pollutant-generating activities, and implementation needs relevant to the permittee's MS4, rather than being developed as general or disconnected public messaging. In turn, this is intended to improve the effectiveness and defensibility of permittee's MCM 1 & 2 implementation by better linking selected audiences and associated outreach measures to water quality protection objectives under the permit.

The 2027 draft permit includes implementation schedule language for Parts 2.2.1.1, 2.2.1.2, 2.2.2.1, 2.2.2.2, 2.2.3.1, 2.2.3.2, 2.2.4.1, 2.2.4.2, and 2.2.4.3 to provide clear compliance timing for newly designated MS4s. These schedules are structured to allow newly covered permittees to establish the foundational elements of their public education, outreach, involvement, and participation program during the first permit year, with active implementation and ongoing documentation requirements beginning in the second permit year and continuing through the remainder of the permit term. This phased approach is intended to support effective program onboarding while ensuring that core MCM 1 & 2 activities are operational early in the permit cycle and maintained throughout.

5.4. Minimum Control Measure 3: Illicit Discharge Detection and Elimination (IDDE)

The draft 2027 permit adds and revises multiple IDDE documentation requirements within the SWMP. These changes align MCM 3 with the broader SWMP structure in the draft permit, under which the SWMP functions more explicitly as the primary program record for annual reporting and ongoing implementation of fixed permit requirements. This is intended to support clearer and more consistent implementation of existing permit requirements, improved administrative traceability across reporting cycles, reduce fragmentation between annual reporting and underlying program materials, and improve the organization, transparency, and reviewability of IDDE program implementation.

The draft 2027 permit revises the corrective action timeframe for confirmed illicit discharges from a single six-month standard to a two-path approach. Under the 2022 General Permit, all confirmed illicit discharges were subject to a single six-month corrective action timeframe regardless of the nature or complexity of the discharge or the practicability of earlier resolution. The 2027 draft permit replaces that single standard with a two-path approach that differentiates required response timeframes based on the nature of the discharge. Confirmed illicit discharges that are discrete and readily abatable, such as spills, illegal dumping, or similar immediately addressable discharges, must be eliminated or ceased within 72 hours. Confirmed illicit discharges that require structural or infrastructure repair, such as excavation, replacement, or similar corrective work, must be eliminated or ceased within six months. DEQ has determined that this two-path structure better aligns the required response timeframe with the nature of the discharge, improves clarity and enforceability, and ensures that readily abatable illicit discharges are not left unresolved for extended periods when prompt cessation is practicable.

The draft 2027 permit also revises investigation documentation requirements by requiring summaries of investigations conducted under MCM 3 to be documented within the SWMP using defined minimum elements, including an event or investigation identifier, location, pollutant involved or suspected, and a brief indication of the magnitude or concern level of the event. DEQ's review of prior implementation indicated that investigation records were not always documented in a consistent or easily reviewable manner, which reduced the usefulness of those records for follow-up, annual reporting, and program evaluation. These changes are intended to make investigation records more clear, specific and measurable, improve consistency in how permittees document and report IDDE activities, and provide a more usable record for follow up, annual reporting, and program evaluation over time. The draft

permit also explicitly requires documentation of ordinances or other regulatory mechanisms supporting IDDE implementation where prior permit language did not expressly require that documentation and requires review of certain IDDE program elements once per permit cycle where previously no review requirement existed. These changes are intended to improve transparency regarding the legal and administrative tools supporting IDDE implementation and to ensure that core program elements are periodically revisited for continued relevance, completeness, and consistency with on-the-ground implementation.

The 2027 draft permit includes implementation schedule language for Parts 2.3.2.1, 2.3.2.2, 2.3.3.1, 2.3.3.2, 2.3.3.3, 2.3.4.1, 2.3.4.2, 2.3.4.3, 2.3.5.1, and 2.3.5.2 to provide clear compliance timing for newly designated MS4s. These schedules are structured to support a sequenced buildout of the IDDE program, beginning with storm drainage system mapping and non-stormwater discharge evaluation in the first and second permit years, followed by development of the Illicit Discharge Investigation and Corrective Action Plan and Enforcement Response Plan, adoption of the required ordinance or regulatory mechanism, and formalization of any necessary cooperative agreements with neighboring MS4s by the end of the second permit year. Active implementation of the investigation and corrective action plan, ERP, and dry weather outfall screening begins in the third permit year, aligning with the start of self-monitoring requirements for newly designated MS4s and ensuring that the legal authority, investigative framework, and enforcement tools necessary to support an operational IDDE program are in place before active oversight and monitoring obligations begin.

5.5. Minimum Control Measure 4: Construction Site Stormwater Runoff Control

The 2027 draft permit adds a requirement that the permittee’s stormwater management plan review checklist be submitted with each General Permit renewal. The 2022 General Permit did not require permittees to submit or maintain a standardized plan review checklist, and DEQ's review of MCM 4 implementation under that permit cycle identified significant variability in how permittees evaluated regulated projects for construction stormwater controls, with some permittees using informal or undocumented review approaches that could not be evaluated for consistency with permit requirements. Submittal of the checklist at renewal provides DEQ with a documented record of the review tool in use at the time of renewal and a basis for evaluating whether the permittee's plan review process reflects current construction stormwater general permit requirements and local implementation standards. This change provides DEQ with a direct record of the review tool being used to evaluate regulated projects at the time of permit renewal and allows DEQ to assess whether the checklist continues to reflect the construction stormwater general permit’s requirements and the permittee’s implementation approach.

For permittees located within a federally designated sole source aquifer, the 2027 permit adds requirements for regulated development projects proposing infiltration-based stormwater management practices. Because infiltration practices can directly affect groundwater quality and recharge in areas with heightened drinking water sensitivity, DEQ has determined that the standard construction stormwater review framework applicable to all permittees is not sufficient to address groundwater protection considerations in sole source aquifer areas, and that site-specific technical evaluation and documentation of infiltration proposals is necessary to protect those resources consistent with the permit's water quality protection objectives. Where infiltration is proposed, the project applicant must submit, as part of the site plan, site-specific technical information required under adopted subdivision regulations, development standards, and stormwater review requirements, along with any additional site-specific information necessary to evaluate groundwater protection considerations for the sole source aquifer. The permittee must document determinations made for proposed infiltration-based practices and submit a summary of determinations from the previous reporting year with the Annual Report Package. These additions provide a clearer administrative and technical basis for evaluating infiltration proposals in areas where groundwater protection

considerations are heightened and create a reviewable record of how those determinations were made over time.

The 2027 draft permit also requires the regulated project inventory for the previous reporting year to be documented in the SWMP. The 2022 General Permit did not require permittees to maintain or document a regulated project inventory within the SWMP, and DEQ's review of annual reports from that permit cycle found that project-level implementation information was inconsistently reported, making it difficult to evaluate the scope of regulated activity, assess inspection coverage, or track implementation trends across reporting cycles. This change places the inventory within the primary program record and makes project-level implementation more visible for annual review, compliance evaluation, and program tracking across reporting cycles. The draft permit further requires documentation within the SWMP of the protocol used to determine project priority and minimum routine inspection frequency, along with review of that protocol once per permit cycle. By requiring the permittee to document how inspection priority and inspection frequency are determined, the permit makes the basis for oversight more transparent and allows DEQ and the public to better understand how the permittee allocates inspection attention among regulated projects. Requiring periodic review also helps ensure that the protocol remains aligned with actual implementation experience and current program needs.

The draft permit further requires documentation in the SWMP of the ordinance or other regulatory mechanism used to require construction stormwater controls on regulated projects, with the applicable requirement documented by reference, citation, or summary, and requires review of that ordinance or regulatory mechanism once per permit cycle. The 2022 General Permit did not require permittees to identify or document the legal authority supporting their construction site stormwater control programs within the SWMP, and DEQ's review of MCM 4 implementation identified instances where the connection between local regulatory mechanisms and permit implementation was unclear or could not be readily verified. Documenting the ordinance or regulatory mechanism within the SWMP and requiring periodic review makes the legal basis for local implementation accessible and reviewable and provides DEQ with a basis for evaluating whether the mechanisms supporting construction site stormwater control remain current and adequate to support permit compliance. This change makes the legal basis for local implementation more accessible and reviewable and helps ensure that the mechanisms supporting construction-site stormwater control remain current, identifiable, and connected to permit implementation.

Lastly, the 2027 draft permit also includes implementation schedule language for Parts 2.4.1.1, 2.4.2.1, 2.4.2.2, 2.4.2.3, 2.4.2.4, 2.4.3.1, and 2.4.3.2 to provide clear compliance timing for newly designated MS4s. These schedules are structured to support a sequenced buildout of the construction site stormwater management program, with development of the plan review checklist, site inspection form, and priority and inspection frequency protocol occurring by the end of the third permit year. This development period allows newly designated MS4s the time necessary to establish the program infrastructure, staffing, legal authorities, and ordinance or regulatory mechanism that these tools must operate within before active implementation begins. Active construction site oversight, including regulated project inspections and ERP implementation for construction site compliance, begins in the fourth permit year and continues through the fifth, ensuring that the legal and programmatic framework is fully in place before the permittee takes on active inspection and enforcement responsibilities.

5.6. Minimum Control Measure 5: Post-Construction Stormwater Management in New Development and Redevelopment

The draft 2027 permit retains the requirement to implement post-construction stormwater management practices that, where feasible, retain on site the runoff volume from the first 0.5 inches of

rainfall from a storm event. This runoff reduction standard remains a core performance requirement of the permit. DEQ has determined that the 0.5-inch retention standard represents a level of control that is technologically and financially feasible for regulated small MS4s in Montana, while still providing meaningful reduction of stormwater runoff volume and associated pollutant transport from new development and redevelopment. In making that determination, DEQ considered the range of structural and non-structural practices available to regulated permittees in Montana, implementation experience documented in SWMP submittals and annual reports from prior permit cycles, and the climatic and site conditions commonly encountered across the regulated MS4 universe. DEQ also considered that the permit allows multiple implementation pathways including retention through infiltration, evapotranspiration, harvest and reuse, and combinations thereof, providing flexibility for permittees to meet the standard through approaches suited to their local conditions, available land, and regulatory context. The draft permit also revises the list of allowable runoff reduction approaches to better reflect practices already being used by permittees to meet that standard by identifying capture and reuse for beneficial non-potable uses. This revision does not change the underlying runoff reduction standard, but instead clarifies and more fully describes the practices and mechanisms through which permittees may achieve the required runoff reduction.

For permittees located within a federally designated sole source aquifer (see federally designated sole source aquifers at https://experience.arcgis.com/experience/1bfab371d71e4b868fc9ae7df62a16fe), the 2027 permit adds requirements for regulated development projects proposing infiltration-based stormwater management practices. Because infiltration practices can directly affect groundwater quality and recharge in areas with heightened drinking water sensitivity, DEQ has determined that the standard post-construction review framework applicable to all permittees does not adequately address groundwater protection considerations in sole source aquifer areas, and that site-specific technical evaluation and documentation of infiltration proposals is necessary to protect those resources consistent with the permit's water quality protection objectives. Where infiltration is proposed, the project applicant must submit, as part of the site plan, site-specific technical information 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. The permittee must document determinations made for proposed infiltration-based practices and submit a summary of determinations from the previous reporting year with the Annual Report Package. These additions provide a clearer administrative and technical basis for evaluating infiltration proposals in areas where groundwater protection considerations are heightened and create a reviewable record of how those determinations were made over time.

The 2027 draft permit also adds and revises several documentation and submittal requirements to improve transparency, reviewability, and consistency in implementation of the post-construction program. DEQ's review of SWMP submittals and annual reports from prior permit cycles identified that permittees' post-construction plan review checklists, inspection forms, offsite treatment criteria, and ordinance documentation varied significantly in content, structure, and availability, making it difficult for DEQ to evaluate whether local review and inspection programs were consistently applying permit standards or maintaining adequate legal authority. In several cases, DEQ could not determine from submitted materials what criteria permittees were using to approve offsite treatment, how inspection priority and frequency were being determined, or whether the ordinances supporting post-construction stormwater control requirements remained current. Submittal of the plan review checklist and inspection form or checklist at renewal provides DEQ with a direct record of the tools in use at the time of renewal and a basis for evaluating whether those tools remain aligned with current permit requirements and local implementation standards. As such, the permittee must submit its plan review checklist and site inspection form or checklist with each General Permit renewal so DEQ can evaluate the tools being used to review proposed post-construction controls and verify installation and long-

term functionality. The permittee must document within the SWMP the criteria used to allow offsite treatment, the protocol used to determine control priority and minimum routine inspection frequency, including the criteria applied, and the ordinances or other regulatory mechanisms used to require post-construction stormwater controls on regulated projects, documented by reference, citation, or summary. These changes make the basis for post-construction review, approval, inspection, and local implementation more visible and reviewable and help ensure that these program elements are supported by defined criteria and identifiable legal mechanisms rather than ad hoc practice.

The 2027 draft permit further consolidates overlapping inventory requirements into a single requirement addressing post-construction stormwater controls. Under this revised structure, the permittee must maintain an inventory of stormwater controls and document within the SWMP the total number of controls, distribution of controls by type, controls identified as high priority, and a summary of controls installed during the previous reporting year. The 2022 General Permit required permittees to maintain an inventory of post-construction controls but did not specify minimum content elements or require that inventory to be documented within the SWMP in a standardized way. DEQ's review of SWMP submittals under that permit cycle found that inventories varied widely in format and completeness, limiting DEQ's ability to assess the scope, type, and relative priority of installed controls across permittees or to track changes in the post-construction control universe over time. This revision reduces duplication while creating a more complete and usable accounting of installed controls within the primary program record, improving visibility into the scope, type, and relative priority of post-construction controls across the MS4.

The 2027 draft permit gives Green Stormwater Infrastructure (GSI) more explicit and consistent treatment alongside Low Impact Development (LID) practices by identifying GSI practices more visibly in the permit and requiring permittees to assess ordinances, policies, programs, and studies that promote or require GSI. By the end of the third year of the permit term, the permittee must submit a plan identifying needed revisions to codes, ordinances, policies, and programs to increase use of GSI practices and LID concepts or explain why revisions are not necessary and what measures are already underway. DEQ has included this planning requirement because local codes, ordinances, and development policies can directly affect whether permittees and regulated applicants are able to design and implement GSI and LID practices to achieve the permit's 0.5-inch retention standard. DEQ's review of SWMP submittals and implementation experience from prior permit cycles indicated that in some cases local code provisions, impervious surface requirements, or development standards created barriers to or did not actively support the use of GSI and LID approaches, and that permittees had not systematically evaluated whether their local regulatory framework was aligned with the permit's runoff reduction objectives. Requiring a documented assessment and planning step ensures that permittees actively evaluate those barriers and take deliberate action or provide a reasoned basis for inaction. These revisions make GSI more visible as a post-construction implementation pathway, better align the permit with practices already occurring on the ground, and support more deliberate evaluation of whether local mechanisms are adequately promoting runoff reduction and long-term stormwater management outcomes consistent with the permit’s 0.5-inch retention standard.

Lastly, the 2027 draft permit includes implementation schedule language for Parts 2.5.1.1, 2.5.1.2, 2.5.2.1, 2.5.2.2, 2.5.2.4, 2.5.2.5, 2.5.2.6, 2.5.3.1, 2.5.3.2, 2.5.4.1, and 2.5.4.2 to provide clear compliance timing for newly designated MS4s. These schedules are structured to support a sequenced buildout of the post-construction stormwater management program that mirrors the MCM 4 development timeline, with the plan review checklist, inspection form, priority and inspection frequency protocol, private controls inspection program, and ordinance or regulatory mechanism all developed by the end of the third permit year. Active post-construction plan review, inspections of permittee-owned and privately-owned high priority controls, and ERP implementation for post-construction compliance begin in the fourth permit year and continue through the fifth. The inventory of existing post-construction

stormwater management controls is developed on a rolling basis throughout the permit term and finalized by the end of the fifth permit year, with SWMP documentation during the fourth and fifth years when active program activity is occurring. For GSI and LID assessment and planning under Parts 2.5.4.1 and 2.5.4.2, newly designated MS4s have until the end of the fifth permit year, positioning them for GSI and LID implementation during the subsequent permit cycle.

5.7. Minimum Control Measure 6: Pollution Prevention and Good Housekeeping for Permittee Operations

Minimum Control Measure 6 is being revised to make permittee-owned and permittee-operated operations and maintenance controls more visible, more consistently documented, and more reviewable over time within the SWMP and Annual Report Package. DEQ's review of SWMP submittals and annual reports from prior permit cycles indicated that permittees' documentation of operations and maintenance activities, responsible departments, facility inventories, and pollutant source identification varied significantly in scope and detail, and that in many cases the administrative record was insufficient to evaluate whether permit requirements were being implemented consistently or whether pollutant sources associated with permittee operations were being adequately identified and managed. The revisions therefore focus on improving the administrative record for operations and activities that can contribute pollutants to stormwater discharges, while clarifying how permittees are expected to document existing program elements, responsible departments, facilities, pollutant sources, and implementation measures. These changes support more consistent statewide implementation of permit requirements and provide a clearer basis for DEQ, permittees, and the public to evaluate how permittee operations are being managed to minimize pollutant discharges.

The 2027 draft permit clarifies that snow and winter road maintenance is an activity for which the permittee must document the local department and positions responsible for implementation within the MS4, along with the potential pollutants and pollutant constituents associated with that activity. DEQ included this clarification because review of SWMP submittals from the 2022 permit cycle showed that snow and winter road maintenance was inconsistently identified as a pollutant-generating activity within permittees' MCM 6 documentation, despite being one of the most operationally significant and stormwater-relevant activities conducted by regulated MS4s in Montana's climate. This change makes explicit a municipal activity that is widely conducted across Montana and that can have direct stormwater relevance through pollutant sources such as sediment, chloride or other deicing-related constituents, traction materials, fuel or fluid leaks, and other winter operations-related pollutants. Requiring this activity to be specifically documented improves visibility into who is responsible for implementation and how the permittee is accounting for pollutant sources associated with winter operations in Montana conditions.

The 2027 draft permit includes implementation schedule language for Parts 2.6.1.1, 2.6.1.2, 2.6.1.3, 2.6.1.4, 2.6.1.5, 2.6.2.1, and 2.6.2.2 to provide clear compliance timing for newly designated MS4s. These schedules are structured to support a sequenced buildout of the pollution prevention and good housekeeping program, beginning in the first permit year with development of the facility and activity inventory, facility locations map, facility-specific spill and leak documentation, and implementation of the street sweeping program. Facility-specific site maps and standard operating procedures are developed by the end of the second permit year, building directly on the facility inventory completed in Year 1. Annual SWMP documentation of street sweeping activities begins in the second permit year following a full year of program implementation. This sequencing ensures that the foundational inventory and operational documentation are in place before facility-specific program tools are developed, and that active program elements are operational early in the permit cycle with supporting documentation and SOPs following in a logical and achievable order.

5.7.1. Facility-level site maps

The 2027 draft permit retains the requirement for a map identifying the locations of facilities and activities but revises that requirement to also include identification of state surface waters located within, flowing through, or receiving stormwater discharges from the MS4. This addition improves the permittee's ability to relate permittee-owned or operated facilities and activities to receiving waters and provides a more complete system-level picture of how municipal operations may interact with state waters.

The 2027 draft permit also adds a requirement for facility-specific site maps for each facility in the permittee's inventory, and now includes an explicit carveout for facilities that maintain effective coverage under the state's Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity. For facilities with MSGP coverage, the MSGP site map and SWPPP satisfy the site map documentation requirement. For all other inventoried facilities, the facility-specific site map requirement creates a more detailed and reviewable record of site conditions, drainage features, pollutant source areas, and stormwater control considerations than was provided under the prior generalized mapping requirement. Together, these revisions improve facility-level transparency, support inspection and corrective action, and reduce ambiguity about how individual facilities are represented within the overall MS4 program record without imposing duplicative documentation where industrial stormwater permitting already requires equivalent materials.

The 2027 draft permit further requires facility-specific documentation identifying where spills or leaks of oil, hazardous substances, or other pollutants have occurred within the previous three years and requires submission of a summary of spills or leaks with the Annual Report Package. This change creates a clearer record of recent pollutant release history at permittee facilities, improves visibility into recurring or significant operational issues, and supports more informed evaluation of whether facility controls, housekeeping measures, and corrective actions are adequately addressing pollutant exposure risks.

5.7.2. Street sweeping program requirements

The 2027 permit adds a new requirement for permittees to implement a street sweeping program and to document that program within the SWMP. DEQ included this requirement because street sweeping is a multi-purpose operation implemented by virtually all regulated MS4s that provides meaningful source control and stormwater quality benefits by removing sediment, debris, metals, hydrocarbons, and other pollutants from roadway surfaces before they are mobilized and transported through the MS4 during storm events. Because street sweeping is already a widely practiced operational activity across the regulated universe and its stormwater benefits are well-supported by implementation experience and pollutant removal data, the 2027 permit formalizes it as a defined stormwater BMP within MCM 6 to build on existing practice, improve program visibility, and create a consistent basis for tracking and evaluating street sweeping as a pollutant reduction measure across permittees.

The required SWMP documentation must describe the areas addressed, general frequency and timing, equipment and methods used, how collected material is managed, and the role of street sweeping as a stormwater BMP within the MS4. The permit also requires annual documentation within the SWMP of a summary of street sweeping activities conducted during the previous reporting year using available program data, including at least two metrics selected from a defined menu, such as miles or lane miles swept, hours or sweeping events, frequency by route, service area, or drainage area, and tonnage or volume collected.

This change brings street sweeping into the permit as a defined pollution prevention and source control measure rather than leaving it as an operational practice that may occur without a clear stormwater program role or consistent documentation. Street sweeping removes sediment, debris, metals, hydrocarbons, nutrients, and other pollutants from paved surfaces before they are mobilized by precipitation or snowmelt and conveyed through the MS4 to state waters. Requiring a documented program description and annual activity summary provides a clearer basis for evaluating whether sweeping is occurring in a manner that supports water quality protection, makes implementation more transparent and reviewable, and creates a more consistent statewide record of how permittees are using street sweeping as an MS4 BMP.

5.7.3. Routine hydrant flushing

The 2027 permit adds a new option allowing regulated MS4s to manage routine hydrant flushing under the MS4 permit through a DEQ-approved Routine Hydrant Flushing Plan. Routine hydrant flushing remains eligible for authorization under the MPDES General Permit for Disinfected Water and Hydrostatic Testing (MTG770000), but the draft permit now allows permittees to elect to address that activity within the MS4 program where they choose to do so.

This change addresses the water quality significance of routine hydrant flushing discharges when they enter an MS4 conveyance system. Routine hydrant flushing can discharge chlorinated or otherwise disinfected drinking water and can also mobilize sediment and other materials from the distribution system or from paved surfaces where the water is discharged and conveyed. If not properly managed, those discharges can affect aquatic life, contribute to pollutant transport through the MS4, and create localized water quality impacts in receiving waters. Allowing this activity to be managed under the MS4 permit through a DEQ-approved Routine Hydrant Flushing Plan creates a defined municipal compliance pathway for a recurring discharge that is operationally tied to local infrastructure and stormwater management. Requiring DEQ approval ensures that, where this option is used, the discharge is addressed under defined conditions and reviewable controls within the broader MS4 program, while preserving DWHT permit coverage as an available alternative for permittees that choose to manage the activity under that permit instead. Routine hydrant flushing conducted without a DEQ-approved Routine Hydrant Flushing Plan, outside the scope of an approved plan, or inconsistently with the approved plan is not authorized under the MS4 permit and remains subject to the MPDES General Permit for Disinfected Water and Hydrostatic Testing (MTG770000).

5.8. Training

The draft 2027 permit requires that training documentation be submitted with the subsequent Annual Report Package and now specifies the minimum documentation elements (date, instructors, attendees, training material/content) required for submission. The 2022 General Permit required permittees to conduct training and document personnel participation but did not specify minimum documentation elements or require that training documentation be submitted with annual reports. This is a new submittal requirement that standardizes how training implementation is documented and reported, providing DEQ with a consistent and reviewable record of training activity across permittees rather than relying on permittee-retained records that were not routinely available for evaluation. For newly designated MS4s, the compliance schedule for Part 2.7.4 requires field and facility personnel training during the 4th permit year only, rather than both the 1st and 4th years as required of existing permittees, recognizing that the MCM 6 facility inventory, SOPs, and site maps need to be in place before this training audience can be effectively trained.

5.9. Monitoring Requirements

5.9.1. Storm Event Monitoring

The 2027 draft retains the core requirement to conduct storm event monitoring during qualifying measurable storm events but restructures how results are submitted by requiring monitoring data to be reported electronically through NetDMR, bringing permittees and DEQ into compliance with EPA's eReporting rule.

In addition, the 2027 draft permit strengthens the SWMP-centered documentation model by requiring monitoring locations to be identified within the SWMP and requiring that storm event monitoring results from the previous three years be included in the SWMP and updated annually. This approach ensures that monitoring remains integrated with the permittee's broader stormwater program documentation and available for ongoing evaluation of stormwater discharge characteristics, BMP implementation, and program effectiveness under the fixed requirements of the permit. Maintaining monitoring results within the SWMP also improves transparency and provides a clearer record of the information available to the permittee and DEQ during the permit term. These revisions improve data visibility and administrative traceability and align MS4 storm event reporting with broader MPDES electronic reporting practices.

The 2027 permit adds MDT-specific storm event monitoring requirements to address MDT's status as a non-traditional transportation MS4 operating a linear statewide highway system within traditional MS4 boundaries. Given MDT's winter maintenance and deicing operations as a primary pollutant-generating activity, the permit adds specific conductance and chloride, dissolved, as additional required monitoring parameters beyond the standard Table 1 suite. Specific conductance serves as a field-measurable indicator of total dissolved ionic load in roadway corridor runoff and has well-established correlations with chloride concentrations in highway runoff documented in FHWA and USGS highway runoff characterization research. Chloride, dissolved, directly captures the mobile, environmentally persistent ion contributed by all chloride-based deicers MDT uses, including calcium chloride and magnesium chloride, making it the appropriate parameter for characterizing MDT's deicer-related stormwater contributions across all product types.

DEQ evaluated sodium adsorption ratio as an alternative but determined it is not appropriate for MDT's program. SAR measures the relative dominance of sodium over calcium and magnesium in solution and is primarily applicable where sodium chloride is the dominant deicer. Because MDT predominantly uses calcium chloride and magnesium chloride, SAR would systematically underrepresent MDT's deicer-related ionic loading and would not generate data useful for characterizing MDT's pollutant contributions or evaluating BMP effectiveness. Montana does not currently have a numeric surface water quality standard for chloride, dissolved, however, because the MS4 permit uses indicator monitoring rather than benchmark monitoring, dissolved chloride data is not compared against a compliance threshold. Its value lies in establishing a baseline record of MDT's corridor discharge characteristics and informing DEQ's and MDT's evaluation of whether winter maintenance BMPs are achieving meaningful reductions in chloride contributions from MDT's regulated transportation corridor.

Because the standard land-use-based monitoring location criteria are not applicable to MDT's operational context, DEQ reviewed EPA guidance on transportation MS4 monitoring program design and multiple DOT-specific MS4 permits from other states in developing an appropriate monitoring framework for MDT. That review supported DEQ's determination that locations for MDT be focused on MDT's roadway corridor drainage characteristics and operational context rather than on municipal land use categories. The permit also requires MDT to collect one semi-annual sample during a rain event and one during a snowmelt event, reflecting Montana's

seasonal precipitation patterns and the stormwater relevance of MDT's winter maintenance operations.

Lastly, DEQ clarified missed sampling and substitute sampling requirements, noting when back-to-back storm events can be sampled to best utilize staff time and energy as well as finite financial resources.

5.9.2. Impaired Waterbody Monitoring

The draft 2027 permit specifies which impaired waterbody monitoring requirements apply to new MS4s during this permit cycle. DEQ has determined that a phased approach is appropriate for newly designated MS4s because self-monitoring does not begin until Year 3 of the permit cycle and TMDL modeling and WLA development for MS4-related impairments is not yet complete, meaning the baseline discharge characterization and analytical framework necessary to support TMDL-specific obligations are not available during this permit cycle. Accordingly, new MS4s are not required to comply with the approved TMDL wasteload allocation requirements or the TMDL-related monitoring requirements during this permit cycle. The Pre-TMDL BMP requirements do apply to new MS4s because identifying and implementing BMPs targeting discharges to impaired waterbodies is an obligation that can be meaningfully met from the outset of permit coverage without requiring prior monitoring data or an established discharge record.

The 2027 permit also adds MDT-specific impaired waterbody monitoring requirements consistent with the monitoring framework established for MDT's storm event program. Because MDT is a non-traditional transportation MS4 operating within, but independently of, other regulated MS4 permittees, the permit clarifies that MDT's impaired waterbody obligations are limited to its own regulated footprint and roadway drainage contributions and are not shared with or dependent on the obligations of co-located permittees. The permit adds transportation-specific BMP documentation requirements for MDT's pre-TMDL obligations, requiring MDT to connect each documented BMP to the specific impaired waterbody, pollutant of impairment, and MDT operational activity being managed.

For TMDL-related monitoring, the permit requires MDT to develop a SAP that functions as MDT's documented framework for evaluating roadway corridor contributions to impaired receiving waters and assessing BMP effectiveness. The SAP must document the basis for MDT's monitoring location selection, with locations selected to represent the greatest overlap between MDT's corridor drainage characteristics and the dominant impairment concerns, a standard informed by EPA's technical recommendations for representative outfall selection in transportation MS4 monitoring programs. DEQ reviews and approves the SAP, providing a structured mechanism for evaluating whether MDT's monitoring program is appropriately designed to generate meaningful data on corridor drainage contributions and BMP effectiveness.

5.9.2.1. Pre-Total Maximum Daily Load (TMDL)

The draft 2027 permit retains impaired waterbody monitoring as applicable, and the structural revisions primarily function to align impaired waterbody monitoring documentation, schedules, and adaptive management with the SWMP Updates and Annual Report Package framework so that monitoring obligations and BMP adjustments remain visible in the updated SWMP submitted annually.

DEQ retained this structure because review of SWMP submittals and annual reports from the 2022 permit cycle showed that impaired waterbody BMP documentation and

adaptive management responses were inconsistently integrated with permittees' broader program records, making it difficult to evaluate whether monitoring results were informing BMP selection and program adjustments over time. Aligning impaired waterbody monitoring obligations with the SWMP update and annual reporting structure ensures that monitoring data, BMP responses, and program adjustments are documented together in a single reviewable record rather than tracked separately or incompletely.

5.9.2.2. Approved TMDL Wasteload Allocation (WLA)

The draft 2027 permit retains the WLA-driven monitoring approach where applicable and, where WLAs impose additional monitoring or BMP requirements, the draft's reporting and SWMP update mechanics are designed to keep those requirements integrated into the annually submitted SWMP and associated Annual Report Package.

As of the effective date of this permit, MDT is not independently assigned a wasteload allocation under any approved TMDL identified in Appendix A to the permit, and no TMDL-specific WLA has been incorporated into MDT's authorization under this permit. This clarification is necessary because MDT operates as a non-traditional transportation MS4 within the same regulated urban areas as permittees that do hold WLAs, and without an explicit statement in the permit the scope of MDT's obligations under currently approved TMDLs would be ambiguous. Direct WLA-specific compliance obligations under this permit apply only to permittees with an applicable WLA, while MDT is required to consider the pollutant reduction objectives and pollutants of concern identified in applicable TMDs when selecting and implementing BMPs and when developing its SAP. If future TMDLs approved during the permit term assign a WLA to MDT, DEQ would implement that WLA through appropriate permit modification, reopener, or in the next renewal cycle.

5.10. Recordkeeping Requirements

5.10.1. Monitoring Records

The draft 2027 permit expands monitoring record content by requiring monitoring records to include the occurrence of precipitation in the fourteen days preceding the sampled storm event, in addition to the existing storm-event and sampling documentation elements.

5.11. Reporting and Evaluation of the SWMP

5.11.1. SWMP Updates

Under the prior permit structure, key implementation details and annual changes were sometimes reflected in annual reports without being clearly integrated back into the operative SWMP, which could make it difficult to determine the current state of the program record. The draft 2027 permit's SWMP Updates and Annual Report Package structure is intended to resolve that fragmentation by requiring annual incorporation of the updates into the SWMP and by using the Annual Report Package to identify and transmit the year's implementation information in a more organized and reviewable format.

The draft 2027 permit establishes a discrete SWMP Updates process and requires that updates to permit-required SWMP elements be clearly documented within a designated SWMP Updates section located at the end of the SWMP. The 2027 draft permit standardizes how changes are tracked by requiring that updates be documented as they occur and incorporated into the annually submitted SWMP through the Annual Report Package. This provides a clear

administrative record of when and how program elements were modified, enhances transparency for DEQ and the public, and supports enforceability. By pairing a defined SWMP Updates section with the Annual Report Package framework, the draft consolidates program evolution, reporting, and documentation into a single, annually submitted compliance instrument, reducing fragmentation and increasing consistency across permittees.

5.11.2. Annual Report Package

The draft 2027 permit restructures annual reporting by replacing the prior stand-alone "annual report" model with an Annual Report Package that integrates the updated SWMP as the primary reporting instrument. The draft 2027 permit reframes this structure by requiring submission of an Annual Report Package that includes: (1) a DEQ-provided annual report form; (2) the updated SWMP; and (3) required attachments and NOI-related documentation, with the annual report form identifying by page number where required reporting elements are documented within the SWMP.

This change formalizes the SWMP as the central compliance record and reduces duplication between narrative annual reports and the underlying program document. By requiring indexing of required elements directly to the SWMP, the draft increases traceability and administrative efficiency, allowing DEQ to review compliance through a single consolidated document rather than cross-referencing multiple submittals. The Annual Report Package model also aligns with other draft revisions that require specific program elements (e.g., street sweeping summaries, facility-level site maps, monitoring data integration) to be documented within and submitted as part of the updated SWMP. The intent is administrative streamlining without reducing substantive reporting obligations; instead, required elements are reorganized into a more cohesive and reviewable format.

The SWMP submitted as part of the Annual Report Package documents how the permittee implements the permit's fixed, comprehensive requirements and serves as the primary program record for those activities; it does not create new obligations beyond those established in the permit.

6. Special Conditions

6.1. 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. DEQ evaluates shared responsibility arrangements through its review of the permittee's SWMP and Annual Report Package, which must document the arrangement, the entity assuming shared responsibility, and the specific MCM components covered. DEQ retains authority to determine whether a shared responsibility arrangement satisfies the applicable permit requirements and may require corrective action if a documented arrangement is found to be insufficient to meet the permit's MCM standards.

6.2. 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. A permittee seeking to rely on a qualifying local program must submit the program to DEQ for review and approval prior to relying on it to satisfy permit obligations. DEQ retains ultimate authority to approve or deny reliance on a qualifying local program. This review process ensures that qualifying local programs do not result in a weakening of the stormwater controls required under this permit.

6.3. 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.

6.4. Changes in Stormwater Program 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.

6.5. 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.

6.6. 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.

7. Information Sources

MCA-75-5-101 – Policy (protect, maintain, and improve water quality; comprehensive program)
https://archive.legmt.gov/bills/mca/title_0750/chapter_0050/part_0010/section_0010/0750-0050-0010-0010.html

MCA 75-5-605 – Permit required for discharge to state waters

https://archive.legmt.gov/bills/mca/title_0750/chapter_0050/part_0060/section_0050/0750-0050-0060-0050.html

MCA 75-5-401 – Authority to issue permits, including general permits
https://archive.legmt.gov/bills/mca/title_0750/chapter_0050/part_0040/section_0010/0750-0050-0040-0010.html

MCA 75-5-201 – Rulemaking authority
https://archive.legmt.gov/bills/mca/title_0750/chapter_0050/part_0020/section_0010/0750-0050-0020-0010.html

33 U.S.C. § 1342 – National pollutant discharge elimination system
https://www.govinfo.gov/content/pkg/USCODE-2024-title33/pdf/USCODE-2024-title33-chap26-subchapIV-sec1342.pdf

40 CFR § 122 – EPA Administered Permit Programs: The National Pollutant Discharge Elimination System
https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122

40 CFR § 123 – State Program Requirements
https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-123

39 FR 2601 (July 16, 1974) – Montana NPDES program approval
https://www.govinfo.gov/content/pkg/FR-1974-07-16/pdf/FR-1974-07-16.pdf

33 U.S.C. § 1342(p) – Stormwater discharges
https://uscode.house.gov/view.xhtml?req=(title:33%20section:1342%20edition:prelim)

40 CFR § 122.26(b)(16) – Definition of Small MS4
https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.26

40 CFR § 122.34(a) – Requirement to reduce pollutants to the maximum extent practicable (MEP)
https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.34

40 CFR § 122.44(k)(2) and (3) – Authorization of non-numeric effluent limits and BMP-based limits
https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-C/section-122.44

81 FR 89320 (December 9, 2016) – MS4 Remand Rule
https://www.federalregister.gov/documents/2016/12/09/2016-28426/national-pollutant-discharge-elimination-system-npdes-municipal-separate-storm-sewer-system-general

40 CFR § 122.34 (revisions) clarifying "clear, specific, and measurable" permit terms
https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.34

33 USC § 1362(14) – Point source definition
https://uscode.house.gov/view.xhtml?req=(title:33%20section:1362%20edition:prelim)

40 CFR § 122.32(a)(2) – Designation and permit coverage requirements
https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.32

40 CFR § 122.26 – MS4 Definition

https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-122/subpart-B/section-122.26#p-122.26(b)(4)

64 FR 68722 (December 8, 1999) – Final Phase II Rule
https://www.govinfo.gov/content/pkg/FR-1999-12-08/pdf/99-29181.pdf

EPA Stormwater Phase II Final Rule Fact Sheet 1.0 Overview
https://www.epa.gov/system/files/documents/2023-09/EPA-Stormwater-Phase-II-Final-Rule-Factsheet-1.0-Overview.pdf

EPA Stormwater Discharges from MS4s
https://www.epa.gov/npdes/stormwater-discharges-municipal-sources

EPA's Transportation Stormwater Permit (MS4) Compendium
https://www.epa.gov/sites/default/files/2018-11/documents/dot_ms4_compendium_10.16.18.pdf