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

PERMIT NUMBER MTR040000

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

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

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

This Permit shall become effective XXXXXXXXX.

This Permit and the authorization to discharge shall expire at midnight, XXXXXXX.

FOR THE MONTANA DEPARTMENT
OF ENVIRONEMNTAL QUALITY

_____
Jon Kenning, Chief
Water Protection Bureau

Issuance Date: _____

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Part I. Permit Coverage

Discharges Authorized
Montana Pollutant Discharge Elimination System (MPDES) General Permit MTR040000 is a fourth-generation General Permit for storm water discharges associated with Small Municipal Separate Storm Sewer Systems (MS4s). Pursuant to 75-5-402, MCA and requirements found in ARM, Title 17, Chapter 30, Subchapters 11, 12, and 13, the Department of Environmental Quality (the Department or DEQ) regulates storm water discharges from Small MS4s. To elaborate, ARM 17.30.1105(1)(d) requires MPDES permit coverage for Small MS4s that are identified in ARM 17.30.1102(23) or designated pursuant to ARM 17.30.1107. Regulated Small MS4s are required to apply for, and obtain, authorization for the discharge of storm water into state waters per requirements of this General Permit.

Ineligibility for Coverage
This 2017 General Permit does not authorize, or supersede permitting requirements for "storm water discharge associated with industrial activity" as defined in ARM 17.30.1102(28), "storm water discharge associated with small construction activity" as defined in ARM 17.30.1102(29), or storm water discharges required or covered under another MPDES permit. The 2017 General Permit does not relieve the permittee from any other statute, regulation, permits, or other regulatory requirements for activities occurring within their area and not associated with permitted storm water discharges with Small Municipal Separate Storm Sewer Systems.

Applicants
The Department may determine that a small MS4 applying for coverage does not qualify for authorization under the renewed 2017 General Permit for Storm Water Discharges associated with Small MS4s, citing that the specific source applying for authorization appears unable to comply with the one or more of the following requirements:

- effluent standards, effluent limitations, standards of performance for new sources of pollutants, toxic effluent standards and prohibitions, and pretreatment standards;
- water quality standards established pursuant to 75-5-301, MCA;
- prohibition of discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste;
- prohibition of any discharges to which the regional administrator has objected in writing;
- prohibition of any discharge which is in conflict with a plan or amendment thereto approved pursuant to section 208(b) of the Act;
- any additional requirements that the Department determines are necessary to carry out the provisions of 75-5-101, et seq., MCA.
- The storm water discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in this MPDES General Permit (including pollutants from process wastewater streams).
- The MPDES permit authorization for the same operation has previously been denied or revoked.
- The discharge sought to be authorized under the 2017 General Permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, et seq., MCA.

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- The point source is, or will be, located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.

If the Department determines ineligibility for a Small MS4, the Department shall proceed, unless the application withdrawn, to process the application through the Individual MPDES Permit requirements. The Department will contact the applicant regarding ineligibility and request more information and fees, as needed, for Individual MPDES Permit requirements.

Permittees
Per ARM 17.30.1341(9), the Department may require any Small MS4 authorized by the 2017 General Permit to obtain an Individual Permit instead. The Department might require a Small MS4 to get an Individual Permit citing one or more of the following reasons:

- a water quality management plan has been approved that contains requirements applicable to categories or subcategories of discharges or facilities covered in a general permit;
- the Department has determined that the Small MS4 is a significant contributor to pollution;
- a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the Small MS4;
- the discharger is not in compliance with the conditions of the 2017 General Permit;
- circumstances have changed since the time of the request to be covered by the 2015 General Permit so that the Small MS4 is no longer appropriately controlled under the 2017 General Permit;
- effluent limitations guidelines have been promulgated for facilities covered under the 2017 General Permit; or
- a change in any condition that requires either a temporary or permanent reduction or elimination of the discharge authorized under the 2017 General Permit has occurred.

Public Notice
Prior to issuing a General Permit, the Department shall provide a public notice in accordance with the requirements of ARM 17.30.1372 and shall adhere to the requirements of ARM 17.30.1373 through 17.30.1377 regarding public comments and public hearings.

Application for Coverage
Per ARM 17.30.1111, owners or operators of Small MS4s must obtain coverage under an MPDES General or Individual Permit by completing a notice of intent (NOI) or submit an application for an Individual Permit and comply with the application requirements set forth in ARM 17.30.1111(19).

In accordance with ARM 17.30.1341(4), a discharger who fails to submit a written NOI in accordance with the terms of this General Permit shall not be authorized to discharge under the permit. A complete and timely NOI to be covered in accordance with this General Permit's requirements fulfills the requirements for permit application for purposes of ARM 17.30.1105,

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17.30.1111, 17.30.1313, 17.30.1322, and 17.30.1341. The NOI form, as provided by the Department, shall be completed and submitted to:

Montana Department of Environmental Quality
Water Protection Bureau
P.O. Box 200901
Helena, Montana 59620-0901

Authorization options for coverage under the 2017 General Permit are provided below.

New Authorizations (Not currently authorized under the 2015 General Permit)
Applicants seeking authorization under the 2017 General Permit shall submit a complete application package at least 30 days before the anticipated date of required permit coverage. If an applicant owns and operates Small MS4 areas throughout the state, the applicant can submit:

- application packages for each Small MS4 area separately,
- application packages for each Small MS4 area separately as a co-permittee with the interconnected Small MS4,
- application packages for each Small MS4 area to reflect both permittee and co-permittee statuses, as requested, or
- a single comprehensive application package to cover all Small MS4 areas in the state.

An application package includes:

- an application form, as provided by the Department,
- a storm water management program, and
- fees (renewal permit fees) as required under ARM 17.30.201.

If there are deficiencies with the application package, the Department may deny authorization under the permit or contact the MS4 for additional information necessary to ensure the application package meets requirements. If the request is denied, the Department may process the request as an Individual Permit (with additional fees); the applicant may withdraw the request; or the applicant may modify the MS4's operations to meet the conditions of the 2017 General Permit and re-apply for coverage under the 2017 General Permit.

Once determined adequate, the Department will issue an authorization letter to these MS4s confirming coverage under the 2017 General Permit beginning January 1, 2017 [ARM 17.30.1341(4)].

Continuing Authorizations issued under the 2015 General Permit
Permitted MS4s renewing authorizations under the 2017 General Permit shall submit a complete renewal application package at least 30 days in advance of the existing 2015 General Permit expiration.

A renewal application package includes:

- a renewal application form, as provided by the Department,
- a storm water management program, and
- fees (renewal permit fees) as required under ARM 17.30.201.

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If there are deficiencies with the renewal application package, the Department may deny authorization under the permit or contact the MS4 for additional information necessary to ensure the application package meets requirements. If the request is denied, the Department may process the request as an Individual Permit (with additional fees); the applicant may withdraw the request; or the applicant may modify the MS4's operations to meet the conditions of the 2017 General Permit and re-apply for coverage under the 2017 General Permit.

Once determined adequate, the Department will issue an authorization letter to these MS4s confirming coverage under the 2017 General Permit beginning January 1, 2017 [ARM 17.30.1341(4)].

Co-permittees Authorizations (New or Continuing Authorizations)
When multiple Small MS4s apply for coverage under a single permit authorization number, they shall be considered co-permittees and shall be jointly responsible for compliance under the 2017 General Permit as set forth at ARM 17.30.1111(3) and (7). Each co-permittee must submit a separate application package to obtain authorization. Co-permittee authorizations may occur under the 2017 General Permit as a renewal authorization with continuing coverage status from the 2015 General Permit or a new authorization. Co-permittees will be subject to the requirements above based on their status: new or continuing.

Other Permitting Requirements
Submittal of the application package and receipt of an authorization letter from the Department does not eliminate a permittee's obligation to obtain other necessary permits to include MS4-related activities that utilize the storm sewer systems as a conveyance for non-storm water discharges to a receiving waterbody.

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Permit Area of Permitted MS4s Under the 2015-Issued General Permit
This permit covers areas pursuant to ARM 17.30.1102(23) that are served by, or contribute to, municipal separate storm sewers owned or operated by the permittee that discharges to State waters as follows:

- Cities: Billings, Bozeman, Butte, Great Falls, Helena, Kalispell, and Missoula.

  For cities required to maintain coverage under this renewed permit, the geographic area of permit coverage will include the U.S. Census designated urbanized areas in accordance with the 2010 census for cities listed in ARM 17.30.1102(23)(a) and the entirety of the municipal incorporated boundary for cities listed in ARM 17.30.1102(23)(b). For the purposes of the 2017 General Permit, these permittees are referred to as Traditional MS4s.

- Counties: Cascade, Missoula, and Yellowstone.

  For counties required to maintain coverage under this renewed permit, the geographic area of permit coverage will include the U.S. Census designated urbanized areas in accordance with the 2010 census for counties listed in ARM 17.30.1102(23)(a). For the purposes of the 2017 General Permit, these permittees are referred to as Traditional MS4s.

- Other: Malmstrom Air Force Base, Montana State University, and University of Montana (Missoula).

  For all other permitted MS4s as identified in accordance with ARM 17.30.1102(23)(d) and required to maintain coverage under this renewed permit, the geographic area of permit coverage is the portion of the permittee's jurisdiction that is within permitted Traditional MS4s. For the purposes of the 2017 General Permit, these permittees are referred to as Non-Traditional MS4s.

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Effluent Limitations

Effective immediately upon issuance of an authorization under the 2017 General Permit and lasting through the expiration date, the following conditions apply to all Small MS4s covered under this General Permit. There must be no discharge of pollutants via storm water runoff to State Waters except as provided for below.

A. Implementation of Best Management Practices (BMPs) consistent with the provisions of the Storm Water Management Program (SWMP) and the requirements in this General Permit shall constitute compliance with the requirement of reducing pollutants to the maximum extent practicable (MEP). Discharges of storm water containing pollutants associated with Small MS4s covered under this General Permit will be controlled through the development, implementation, and enforcement of a SWMP designed to reduce the discharge of pollutants from the permitted Small MS4 to the MEP, to protect water quality, and to satisfy the appropriate water quality requirements of the Montana Water Quality Act (MWQA).

B. For regulated Small MS4s which have been designated through ARM 17.30.1102(23) and had initial authorization under the preceding January 1, 2005 to December 31, 2009 General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer System, the permittee was required to develop, implement, and enforce a SWMP, as stated in Part II of the 2005 General Permit, no later than the December 31, 2009 expiration date. This requirement is still valid and binding under this reissued January 1, 2017 to December 31, 2021 General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer System (MS4), although for the new inclusions or revisions to the SWMP as stated in the reissued 2017 General Permit, the permittee must develop, implement, and enforce those additional or revised components as per the implementation timeframe specified.

C. For any regulated Small MS4s which have been designated through ARM 17.30.1102(23) or 17.30.1107 or an unregulated MS4 seeking coverage that has not been previously authorized, the permittee must develop, implement, and enforce a SWMP in accordance with the 2017 General Permit, no later than five years from the initial date of permit authorization.

D. If an individual MPDES permit is issued to any regulated Small MS4, coverage under the 2017 General Permit is terminated on the effective date of the final individual MPDES permit.

No discharge of storm water containing pollutants from process wastewater streams may occur under this General Permit.

No discharge of storm water containing pollutants from Small MS4s covered under this General Permit may cause or contribute to a violation of water quality standards.

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Part II. Storm Water Management Program

A. Requirements

The permittee must develop, document, and maintain a SWMP which includes management practices, control techniques, systems, designs, good standard engineering practices, and such other provisions necessary to reduce the discharge of pollutants from the permitted Small MS4 to the MEP. This section describes required BMPs and implementation schedules or deadlines for each BMP. DEQ requires BMPs that are ***selected, designed, installed, implemented, inspected, and maintained*** (or replaced based on inspections) in accordance with good engineering, hydrologic, and pollution control practices. DEQ provides the flexibility for permittees to choose appropriate BMPs based on their location-specific discretion to self-determine appropriate BMPs to control pollutant sources. If applicable, retain documentation, specifications, and/or standard operating procedures used for BMP selection.

Pursuant to ARM 17.30.1111(6), the permittee shall effectively manage a storm water program inclusive of the six minimum control measures: Public Education and Outreach; Public Involvement and Participation; Illicit Discharge Detection & Elimination; Construction Site Storm Water Management; Post-Construction Site Storm Water Management in New and Redevelopment; and Pollution Prevention/Good Housekeeping for Permittee Operations.

The permittee shall effectively implement a coordinated storm water program inclusive of the development of a storm water management team comprised of persons responsible for implementation of the SWMP and the establishment of formal mechanisms for communication and coordination between team members (e.g. meetings, email updates, etc.) to ensure cooperation necessary to facilitate permit compliance and timely reporting.

Within 60 Days of the permit effective date and then reviewed annually, all permittees must develop a storm water management team, including a primary SWMP coordinator, and organizational chart which identifies the position responsible for implementing each minimum measure. Any updates to this information shall be submitted with Annual Reports.

During the entire permit term, all permittees must establish, document, and execute formalized mechanisms for regular communication between storm water management team members to allow for exchange of information and submittal of information necessary for permit compliance tracking and reporting.

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
1. PUBLIC EDUCATION AND OUTREACH The permittee shall implement a storm water public education program to develop or adapt, distribute, and evaluate educational materials and outreach activities to key target audiences in the MS4 that raise awareness about the impacts of storm water discharges on waterbodies, educate audiences about the behaviors and activities that have the potential to pollute storm water discharges, and motivate action to change behaviors to reduce pollutants in storm water runoff.			
a. Determine key target audiences most appropriate for storm water outreach.	All	i. • Analyze which business types and/or residential behaviors are common sources of illicit discharges, spills, and dumping. • Develop a list, description, and rationale for selecting these key target audiences based on business and residential groups associated with illegal discharges and improper disposal of waste to the MS4. • List the pollutants associated with each key target audience. • Submit with 1st Annual Report.	1st Permit Year
	All	ii. • Develop and advertise a storm water website for access by key target audiences, other interested stakeholders, and the general public. • At a minimum, the storm water website must include: ○ a copy of this General Permit; or ○ a link to the permittee's webpage containing ▪ the permit, ▪ access to outreach materials, ▪ outreach event information (most recent and current), ▪ storm water management program documents and updates, ▪ annual reports (or an equivalent summary or document providing an annual overview, and the availability	1st Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		for the general public to request the annual report), and ▪ an effective mechanism for providing continued public input for the SWMP. • The website must also include: ○ information regarding how to identify sources of illicit discharges; ○ procedures on how to report an illicit discharge; ○ a summary of the permittee's requirements for covered construction activities; and ○ how to submit construction project complaints. • The website shall be available to the public on the internet.	
b. Develop and utilize the permittee's website for public outreach and involvement.	All	i. • Develop outreach messages which promote benefits of non-polluting behaviors to the key target audience as well as benefits to storm water discharges. • Submit with 2nd Annual Report.	2nd Permit Year
c. Develop a tailored outreach strategy for each key target audience and specific storm water polluting behavior.	All	i. • Identify and, as needed, develop outreach formats and distribution channels for messages developed for each key target audience and associated storm water polluting behavior. • Formats and distribution channels should be tailored to key target audiences and can utilize other existing formats and distribution channels, such as existing community newsletters. • Submit a description of formats, distribution channels and schedule for each key target audience in 2nd Annual Report.	2nd Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
	All	ii. • Distribute outreach materials to target audiences • Describe distribution in Annual Reports.	3rd, 4th, and 5th Permit Years

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
2. PUBLIC INVOLVEMENT AND PARTICIPATION The permittee shall develop a strategy to involve key target audiences in the development and implementation of the SWMP that complies with state and local public notice requirements.			
a. Identify approaches for involving key target audiences in SWMP development and implementation.	All	i. • Identify approaches for involving the key target audiences (identified under Part III.B.2.a.) in the development and implementation of the SWMP over the five year permit term. • For each key audience, describe: ○ the approach; ○ the target date(s) for implementation; and ○ purpose of the involvement approach (e.g. raise awareness, change behavior, and improve the SWMP). • Wherever possible, identify existing organizations with membership that represent some or all of the key target audiences and describe opportunities for partnering to involve membership in SWMP development and implementation. • Document collaboration with existing organizations if this is an approach for involving key target audiences. • Submit a description of public involvement approach, and schedule for each key audience in 1st Annual Report.	1st Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
	All	ii. • Implement identified involvement approaches for each key target audience. • Document participation and key target audience feedback on the approach in the SWMP and in each Annual Report.	2nd, 3rd, 4th, 5th Permit Years
b. Develop and utilize the permittee's website for public involvement.	All	i. • Develop and advertise a storm water website for soliciting input from key target audiences, other interested stakeholders, and the general public. At a minimum, the storm water website must include: ○ access to outreach materials; ○ most recent or current outreach event information; ○ SWMP planning documents; ○ annual reports (or an equivalent summary or document providing an annual overview, and the availability for the public to request the annual report); ○ an effective mechanism for providing continued public input for the SWMP; and ○ illicit discharge and construction project complaints. • Website shall be available to the public on the internet.	1st Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
3. ILLICIT DISCHARGE DETECTION & ELIMINATION The permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges (as defined in ARM 17.30.1102(7)) into the permitted Small MS4.			
a. Address the following more frequent categories of non-storm water discharges or flows (i.e., illicit discharges) if identified as significant contributors of pollutants to the Small MS4: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined in ARM 17.30.1102(8)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (discharges or flows from firefighting activities are excluded from the effective prohibition against non-storm water and need only be addressed where they are identified as significant sources of pollutants to state waters). These more frequent non-storm water discharges must be reasonably expected (based on information available to the permittee) to not be significant sources of	All	i. • Evaluate and include, in each Annual Report: ○ a list of non-storm water discharges that the permittee has identified as significant contributors of pollutants; ○ the pollutants associated with each non-storm water significant contributor; and ○ document any local controls or conditions placed on these discharges.	Annually

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
pollutants to the Small MS4, because of either the nature of the discharges or conditions the permittee established for not allowing these discharges to the Small MS4.			
b. Develop a list of other similar occasional incidental non-storm water discharges (e.g. non-commercial or charity car washes, etc.) that will not be addressed as illicit discharges. These non-storm water discharges must not be reasonably expected (based on information available to the permittee) to be significant sources of pollutants to the Small MS4, because of either the nature of the discharges or conditions the permittee established for allowing these discharges to the Small MS4 (e.g., a charity car wash with appropriate controls on frequency, proximity to sensitive waterbodies, BMPs for the wash water, etc.).	All	i. • Evaluate and include, in each Annual Report: o a list of occasional incidental non-storm water discharges that the permittee has determined will not be addressed as illicit discharges; o the pollutants associated with each non-storm water significant contributor; and o document any local controls or conditions placed on these discharges.	Annually
	All	ii. • Include a provision prohibiting any occasional incidental non-storm water discharge that is determined to be contributing significant amounts of pollutants to the Small MS4 in appropriate ordinances, regulatory mechanism or memoranda of agreements.	2nd Permit Year
c. Inventory storm water sewer infrastructure to thoroughly track illicit discharges, contain spills, and determine high priority areas. When determining high priority areas, permittees must document and consider, at a minimum, the following: industrial areas, previous areas with illicit discharges, known illegal dumping areas, the oldest portions of	All	i. • Update existing map showing: o the location and number of all outfalls (as defined in ARM 17.30.1102(14) and Part VIII of this General Permit); and o the names and location of all surface waters that receive discharges from those outfalls. • Development of this map to accommodate the provisions of a comprehensive illicit discharge detection and elimination (IDDE) program and	1st Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
MS4 storm sewer infrastructure, any areas with onsite sewage disposal systems, and areas that discharge to an impaired waterbody.		the SWMP would typically include mapping storm sewer system components including: o inlets; o open channels; o subsurface conduits/pipes; o dry wells (discharges to ground water directly); and o other similar discrete conveyances. • List, label, or highlight determined high priority areas. • Update the storm sewer map regularly and make available for review by the Department upon request.	
d. To the extent allowable under State, or local law, effectively prohibit, through ordinance or other regulatory mechanism, non-storm water discharges (except those listed under Part II.A.3.a.) into the regulated storm sewer system and implement appropriate enforcement procedures and actions.	Traditional MS4s	i. • If not done previously, adopt an ordinance or other regulatory mechanism to prohibit illicit discharges • Submit with 2nd Annual Report.	2nd Permit Year
	Non-Traditional MS4s	ii. • If not done previously, adopt an ordinance or other regulatory mechanisms to prohibit illicit discharges. • Permittees without legal authority to enact an ordinance or other regulatory mechanism shall ensure that written policies and procedures are in place to exert authority (to the extent allowable) over MS4 users such as: o employees, o the traveling public, o contractors, etc. • Submit a summary of legal authority, written policy, and written procedures with the 2nd Annual Report.	2nd Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
	All	iii. • Solicit assistance from neighboring MS4s as necessary to detect and eliminate illicit discharges with may originate within the neighboring MS4 and formalize in cooperative agreements, i.e. memoranda of understanding. • Agreements should specify investigation and enforcement responsibilities and o these should be described in each permittee's Enforcement Response Plan (ERP) (Part II.A.3.d.iv.) and Illicit Discharge Investigation and Corrective Action Plan (Part II.A.3.f.). • Formalize cooperative agreements, i.e. memoranda of understanding, with all neighboring MS4s as necessary to implement the IDDE program described in Part II.A.3. • Submit a summary of the cooperative agreements with the 2nd Annual Report.	2nd Permit Year
	All	iv. • Develop a formal ERP for illicit discharges. The ERP must describe: o legal authority – through ordinance, formal policies or memoranda of understanding – to eliminate and abate illicit discharges; o identify staff with enforcement authority; o enforcement actions available; o enforcement escalation process; and o schedule to be utilized to quickly and consistently eliminate the source of the discharge, abate any damages and prevent recurrence. • The ERP must include informal, formal, and judicial responses. o Informal responses may include:	2nd Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		▪ telephone notification; ▪ verbal notice; ▪ notice of violation; and ▪ meetings. o Formal responses may include: ▪ administrative order; ▪ compliance schedule; ▪ order to show cause; ▪ monetary penalty (administrative); and ▪ suspended service. o Judicial responses may include: ▪ injunctive relief; ▪ consent decree; ▪ civil penalties; and ▪ criminal penalties. • Submit the ERP with the 2nd Annual Report.	
	All	v. • Implement ERP.	2nd Permit Year
e. Proactively inspect, during dry weather, all outfalls to detect illicit discharges and connections into the MS4 and identify high priority outfalls.	All	i. • Inspect and screen all of the permittee's outfalls during dry weather using the outfall field screening protocol developed by the *Center for Watershed Protection* or equivalent process. • This process shall be completed by the end of the permit cycle.	Annually
	All	ii. • Using inspection and screening results, storm sewer maps, and other appropriate data, determine high priority outfalls. • Priority is to be determined by the permittee and shall be based on potential water quality impact. When determining high priority outfalls, permittees must consider, at a minimum, outfalls:	2nd Permit Year Reevaluate 3rd-5th Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		○ which drain industrial areas (as identified by the Small MS4s zoning regulations or growth policy); ○ where illicit discharges have been detected during past permit terms; ○ which drain areas prone to incidents of illegal dumping; ○ which drain the oldest portions of the Small MS4s storm sewer infrastructure; ○ which serve areas primarily served by onsite sewage disposal systems; and/or ○ which discharge into an impaired water body. • Submit the list of high-priority outfalls with each 2nd – 5th Annual Reports. The 3rd-5th Year lists may reflect updated priority outfalls based on screening results.	
	All	iii. • Inspect and screen high priority outfalls during dry weather a minimum of once per year. • Submit a summary of screening results with each 3rd – 5th Annual Report.	3rd – 5th Permit Years
f. Consistently and effectively investigate suspected illicit discharges and connections and track subsequent compliance actions.	All	i. • Develop an Illicit Discharge Investigation and Corrective Action Plan. This plan will describe the process that will be used to: ○ locate the source of an illicit discharge and ○ select the appropriate corrective action, i.e. enforcement action, abatement, etc. ○ At a minimum, this plan shall include processes to: ▪ investigate all illicit discharges; ▪ prioritize non-storm water discharges suspected of being sanitary sewage	1st Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		and/or significantly contaminated for investigation first; ▪ notify Montana DEQ and appropriate agencies of dry weather flows believed to be an immediate threat to human health or the environment; ▪ document that a good faith effort was made to find the source of the dry weather discharge and document each phase of the investigation in a case file; and, ▪ resolve and document the conclusion of all investigations. ▪ The outfall where any illicit discharge is detected shall continue to be considered high priority and should be investigated as required in the permit. ▪ The plan should refer to the permittee's ERP for execution of appropriate enforcement actions. ▪ Submit the plan with the 1st Annual Report.	
	All	ii. • Implement an Illicit Discharge Investigation and Corrective Action Plan.	2nd Permit Year
	Traditional MS4s	iii. ▪ Maintain documentation which describes the investigations conducted and corrective actions taken per the Illicit Discharge Investigation and Corrective Action Plan during dry weather screening or through other detection methods, e.g. public complaints. ▪ Submit summary with each Annual Report.	2nd – 5th Permit Years

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
	Non-Traditional MS4s	iv. ▪ Maintain documentation which describes the investigations conducted and corrective actions taken per the Illicit Discharge Investigation and Corrective Action Plan by the permittee or a neighboring MS4 for all illicit discharges – detected on the permittee's property that originates outside of the permittee's property – during dry weather screening or through other detection methods, e.g. public complaints. ▪ Submit summary with each Annual Report.	2nd – 5th Permit Years

Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
4. CONSTRUCTION SITE STORM WATER MANAGEMENT The permittee shall develop, implement, and enforce a program to reduce pollutants in storm water runoff to the permitted Small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the Department waives its permitting requirements for storm water discharges associated with construction activity that disturbs less than five acres of total land area in accordance with ARM 17.30.1105(5), the Small MS4 permittee is not required to develop, implement, and/or enforce a program to reduce pollutant discharges from such sites.			
a. To the extent allowable under State, or local law, effectively require, through ordinance, or other regulatory mechanism, erosion and sediment controls and controls of other construction-related pollutant sources on regulated construction projects (construction storm water controls) and implement appropriate enforcement procedures and actions.	Traditional MS4s	i. • If not completed previously, adopt an ordinance or other mechanism to require construction storm water controls on private and permittee-owned regulated projects. • At a minimum the ordinance must require the construction storm water management minimum standards described as Non-Numeric Technology-Based Effluent Limits in the most current Montana DEQ General Permit for Storm Water Discharges Associated with	3rd Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		Construction Activity to be implemented on all regulated construction projects. • Submit with 3rd Annual Report.	
	Non-Traditional MS4s	ii. • If not completed previously, at a regulatory minimum, adopt formal policies or other mechanisms to the extent allowable, such as contractual requirements applicable to contractors performing construction work requiring construction storm water controls on permittee-owned/operated projects. The permittee must consider and document private development projects regardless of legal authority. • Submit authority summary, written policy, and written procedures with the 3rd Annual Report.	3rd Permit Year
	All	iii. • Develop a formal ERP to ensure compliance with the construction storm water management regulatory mechanisms on regulated projects including private property. The sanctions and enforcement mechanisms to be used to ensure compliance will be included. • The ERP must describe how the permittee will: o eliminate and abate illegal construction discharges; o identify staff with enforcement authority; o enforcement actions available and enforcement escalation process and include a schedule to be utilized to quickly, and consistently eliminate the source of the discharge; and o abate any damages and prevent recurrence.	3rd Permit Year

Commented [CA4]: Add a bullet: The ordinance must give the Permittee the authority to inspect privately-owned construction stormwater management controls.

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		• The ERP must include informal, formal, and judicial responses. o Informal responses may include telephone notification, verbal notice, notice of violation, and meetings. o Formal responses may include administrative order, compliance schedule, order to show cause, monetary penalty (administrative), and suspended service. o Judicial response may include injunctive relief, consent decree, civil penalties, and criminal penalties. • In addition, the ERP must also include non-monetary construction project-specific penalties such as stop work orders, bonding requirements, and/or permit denials for non-compliance. • Submit documentation of progress towards creation of ERP with the 1st Annual Report. • Submit adopted ERP with the 3rd Annual Report.	
	All	iv. • Implement ERP.	4th Permit Year
b. Require that all regulated construction projects submit a construction storm water management plan prior to construction which is consistent with state and local requirements and which incorporates consideration of potential water quality impacts including storm water pollution prevention through appropriate erosion, sediment, and waste control BMPs. The storm water	Traditional MS4s	i. • Develop a construction storm water management plan review checklist that documents, at a minimum, that the requirements described in the Non-Numeric Technology-Based Effluent Limits of the most current Montana DEQ General Permit for Storm Water Discharges Associated with Construction Activity have been included on all regulated project construction storm water management plans.	1st Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
pollution prevention plan (SWPPP) developed pursuant to the MPDES General Permit for Storm Water Discharges Associated With Construction Activity (Permit Number MTR100000) may substitute for this site plan for projects where a SWPPP is developed.		• The construction storm water management plan review checklist shall be used to ensure consistent review of submitted plans and to determine and document compliance with state and local requirements. • Submit with the 1st Annual Report.	
	Traditional MS4s	ii. • Implement construction storm water management plan review checklist.	1st Permit Year
	Non-Traditional MS4s	iii. • Develop and implement a plan review checklist which documents, at a minimum, that the requirements described in the Non-Numeric Technology-Based Effluent Limits of the most current Montana DEQ General Permit for Storm Water Discharges Associated with Construction Activity have been included on all permittee-owned/operated project site plans. The permittee may modify the plan review checklist based on the maximum extent of contractual agreements with documentation. • The plan review checklist shall be used to ensure consistent review of submitted plans for permittee-owned/operated projects and to determine and document compliance with state and local requirements. • Submit with the 1st Annual Report.	1st Permit Year
c. Ensure that all construction storm water management controls are installed, operated and maintained in order to function as designed.	Traditional MS4s	i. • Develop an inspection form or checklist to ensure consistent and thorough regulated project inspections. • The checklist shall include, at a minimum, the requirements described in the Non-Numeric Technology-Based Effluent Limits of the most current Montana DEQ General Permit for Storm Water Discharges Associated with Construction Activity.	1st Permit Year

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		• Submit with the 1st Annual Report.	
	Non-Traditional MS4s	ii. • Develop an inspection form or checklist to ensure consistent and thorough regulated project inspections. • The checklist shall include, at a minimum, the requirements described in the Non-Numeric Technology-Based Effluent Limits of the most current Montana DEQ General Permit for Storm Water Discharges Associated with Construction Activity. The permittee may modify the plan review checklist based on the maximum extent of contractual agreements with documentation. • Submit with the 1st Annual Report.	1st Permit Year
	All	iii. • Implement inspection form.	1st Permit Year
	All	iv. • Develop and maintain/update a regulated project inventory to include, at a minimum, if the project is covered under the Montana DEQ General Permit for Storm Water Discharges Associated with Construction Activity and associated authorization number, the location, size, topography of site and proximity to waterbodies for each project.	1st Permit Year
	All	v. • Develop an inspection frequency determination protocol based upon the priority of the project. • Priority is to be determined using specific criteria to include – at a minimum: o project size; o proximity to a water body; o steepness of project site slopes; o discharge to waterbodies impaired for pollutants expected from active construction projects; and	1st Permit Year

Commented [CA5]: Suggest changing this bullet to "Conduct inspections using the inspection form." Without this change, there is no clear requirement that the Permittee actually conducted inspections.

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Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		○ past record of non-compliance by the operator of the construction site. • The protocol shall establish the following minimum inspection frequency for all high priority projects: ○ once at commencement of construction after BMPs have been implemented; ○ once within 48-hours after a rain event of 0.25 inches or greater; and ○ at the conclusion of the project prior to finalization (i.e., release of bond, issuance of certificate of occupancy etc.). • In addition, the inspection frequency shall include: ○ recidivism reduction measures such as incentives; ○ disincentives; or ○ increased inspection frequency at non-compliant operator's sites.	

Commented [CA6]: Suggest adding …"or the occurrence of runoff from snowmelt " after the word "greater." This is come up in other northern States and provides clarity for inspections related to snow events.

	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
5.	POST-CONSTRUCTION SITE STORM WATER MANAGEMENT IN NEW AND REDEVELOPMENT The permittee shall develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the permitted Small MS4. This program must ensure that controls are in place that would prevent or minimize water quality impacts.			
a.	To the extent allowable under State, or local law, effectively require, through ordinance, or other regulatory mechanism, post-construction storm	Traditional MS4s	i. • If not completed previously, adopt an ordinance or other mechanism to require post-construction storm water management controls on regulated projects that, at a minimum,	4th Permit Year

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
	water management controls and on regulated projects and implement appropriate enforcement procedures and actions.		include the performance standard described in Part II.A.5.b.iv. • Submit with 4th Annual Report	
		Non-Traditional MS4s	ii. • If not completed previously, at a regulatory minimum, adopt formal policies or other mechanisms to the extent allowable, such as contractual requirements applicable to contractors performing construction work requiring post-construction storm water controls on permittee-owned/operated projects. The permittee must consider and document private development projects regardless of legal authority. • Submit authority summary, written policy, and written procedures with the 4th Annual Report	4th Permit Year
		All	iii. • Develop a formal ERP to ensure compliance with installation, operation and maintenance requirements for post-construction storm water management controls on regulated projects including private property. • The ERP must include informal, formal, and judicial responses. ○ Informal responses may include: ▪ telephone notification; ▪ verbal notice; ▪ notice of violation; and ▪ meetings. ○ Formal responses may include: ▪ administrative order; ▪ compliance schedule; ▪ order to show cause; ▪ monetary penalty (administrative);	4th Permit Year

Commented [CA7]: Believe this citation is incorrect as it does not exist in the permit.

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	Minimum Measure	Permittee		Required BMP	Deadline/ Implementation Schedule
				▪ suspend service. o Judicial responses may include: ▪ injunctive relief; ▪ consent decree; ▪ civil penalties; and ▪ criminal penalties. • The ERP must describe: o legal authority to require inspection and maintenance of controls; o identify staff with enforcement authority; o the enforcements actions available; o enforcement escalation process; and o schedule to be utilized to quickly and consistently ensure compliance with post-construction requirements. • Submit the ERP with the 4th Annual Report.	
		All	iv.	• Implement ERP.	5th Permit Year
b.	Require that all regulated development projects submit a site plan which is consistent with state and local post-construction requirements which incorporates consideration of potential water quality impacts including appropriate post-construction storm water management controls.	Traditional MS4s	i.	• Develop and implement a plan review checklist to ensure consistent review of submitted plans and to determine and document compliance with state and local post-construction requirements • Submit with the 1st Annual Report.	1st Permit Year
		Non-Traditional MS4s	ii.	• Develop and implement a plan review checklist to ensure consistent review of plans for permittee-owned/operated projects and to determine and document compliance with state and local post-construction requirements. The permittee may modify the plan review checklist based on the maximum extent of contractual agreements with documentation.	1st Permit Year

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
			• Submit the checklist with the 1st Annual Report	
		All	iii. • Require that all regulated projects implement post-construction storm water management controls that are designed to infiltrate, evapotranspire, and/or capture for reuse the post-construction runoff generated from the first 0.5 inches of rainfall from a 24-hour storm preceded by 48 hours of no measurable precipitation. For projects that cannot meet 100% of the runoff reduction requirement, the remainder of the runoff from the first 0.5 inches of rainfall must be either: a. Treated onsite using post-construction storm water management control(s) expected to remove 80 percent total suspended solids (TSS); b. Managed offsite within the same sub-watershed using post-construction storm water management control(s) that are designed to infiltrate, evapotranspire, and/or capture for reuse; or c. Treated offsite within the same sub-watershed using post-construction storm water management control(s) expected to remove 80 percent TSS. • Permittees allowing offsite treatment shall do the following: a. Develop and apply criteria for determining the circumstances under which offsite treatment may be allowed. • The criteria must be based on multiple factors, including but not limited to:	1st Permit Year

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
			i. technical or logistic infeasibility (e.g. lack of available space; ii. high groundwater; iii. groundwater contamination; iv. poorly infiltrating soils; v. shallow bedrock; vi. prohibitive costs; and vii. a land use that is inconsistent with capture and reuse or infiltration of storm water). • Determinations may not be based solely on the difficulty and/or cost of implementation. • The permittee must develop a formal review and approval process for determining projects eligible for offsite treatment. • The offsite treatment option is to be used only after all onsite options have been evaluated and documented through the permittee's developed formal review and approval process. b. Create and maintain an inventory of regulated projects which utilize offsite treatment of post-construction storm water runoff. The inventory must include the following information pertaining to each approved project: • Geographic location of the project; • Location of the offsite treatment facility which the project drains to; and	

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
			• Documentation of the rationale for approval of offsite treatment. • Submit adopted performance standards with the 1st Annual Report.	
c.	Ensure that all post-construction storm water management controls are installed, operated and maintained in order to function as designed.	Traditional MS4s	i. • Develop and implement an inspection form or checklist to ensure consistent and thorough inspections of post-construction storm water management controls. • Submit with 2nd Annual Report.	2nd Permit Year
		Non-Traditional MS4s	ii. • Develop and implement an inspection form or checklist to ensure consistent and thorough inspections of post-construction storm water management controls. • The permittee may modify the inspection form or checklist based on the maximum extent of contractual agreements with documentation. • Submit with 2nd Annual Report.	2nd Permit Year
		All	iii. • Develop and maintain/update an inventory (including at a minimum, a description and location) of all **new** permittee-owned and private post-construction storm water management controls.	2nd Permit Year
		Traditional MS4s	iv. • Develop and maintain/update an inventory (including at a minimum, a description and location) of all **existing** permittee-owned and private high priority post-construction storm water management controls. • Priority is to be determined by the permittee and should be based on potential water quality impact using specific criteria which may include: ○ operation and maintenance needs of the practices;	3rd Permit Year

Commented [CA8]: To clarify what is meant by 'new,' suggest adding the clause"...installed since the start of the second permit year" (assuming that's what is meant).

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
			○ proximity to water body; ○ drainage area treated; ○ land use type; and ○ location within an impaired waterbody watershed.	
		Non-Traditional MS4s	v. • Develop and maintain/update an inventory (including a description and location) of all existing permittee-owned post-construction BMPs.	3rd Permit Year
		All	vi. • Develop an inspection frequency determination protocol based upon the priority of the post- construction storm water management control. • Priority is to be determined by the permittee and should be based on potential water quality impact using specific criteria which may include: ○ operation and maintenance needs of the practices; ○ proximity to water body; ○ drainage area treated; ○ land use type; and ○ location within an impaired waterbody watershed. • Submit protocol with 2nd Annual Report.	2nd Permit Year
		Traditional MS4s	vii. • Develop a program to either: ○ conduct inspections of high-priority post-construction storm water management controls at least annually, OR ○ to require self-inspection and reporting by owners at least annually. ○ Submit program description with 2nd Annual Report.	2nd Permit Year

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		All	viii. • Inspect permittee-owned high priority post-construction storm water management controls annually and document findings and resulting compliance actions.	3rd, 4th, 5th Permit Years
		Traditional MS4s	ix. • Inspect or have inspected all high priority privately-owned post-construction storm water management controls annually • Document findings and resulting compliance actions.	3rd, 4th, 5th Permit Years
d.	Incorporate recommendations and requirements into plans, policies and ordinances which allow and support the utilization of LID concepts on public and private property.	All	i. • Convene appropriate staff and conduct a discussion to evaluate existing barriers to implementing LID infrastructure in the permittee's codes, ordinances and policies. • The outcome of this discussion must identify opportunities for change and address the potential inconsistencies between policies. • Appropriate staff must include member(s) of various departments, some of which may include: o Parks and Recreation; o Public Works; o Planning; o Environmental Protection; o Utilities; o Transportation. • Submit a summary of the discussion outcomes with the 4th Annual Report.	4th Permit Year

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
6.	POLLUTION PREVENTION /GOOD HOUSEKEEPING FOR PERMITTEE OPERATIONS The permittee shall develop and implement an operation and maintenance program which includes a training component, and has the ultimate goal of preventing or reducing pollutant runoff from permittee operations.			
a.	Identify the operation and maintenance program to prevent or reduce pollutant runoff from permittee-owned/operated facilities and field activities.	All	i • Create an inventory of permittee-owned/operated facilities and activities that have the potential to release contaminants to the MS4. The inventory should include, at a minimum, the following: 1. Facilities: • maintenance and storage yards; • waste handling and disposal areas; • vehicle fleet or maintenance shops with outdoor storage areas; • salt/sand storage locations; and • snow or dredge material disposal areas operated by the permittee. 2. Activities: • park and open space maintenance; • parking lot maintenance; • building maintenance; • road maintenance/deicing; and • storm water system maintenance including catch basin cleaning. • List the possible contaminant(s) from each facility/activity and list the local department(s) and position(s) responsible for	1st Permit Year

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
			pollution prevention with each facility/activity. • Update the inventory annually.	
		All	ii. • Develop a map that identifies the locations of facilities and known locations of activities identified in 6.a.i. • Update the map annually.	2nd, 3rd, 4th, 5th Permit Year

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		All	iii. • Organize similar facilities and activities identified in 6.a.i. into categories, label the categories, and develop standard operating procedures (SOPs) for all categories. • Development of the SOPs must include documented inspections and communication with relevant department personnel of 2 facilities/activities per category prior to SOP category completion. • The SOPs must identify storm water pollution controls (structural and non-structural controls, and operation improvements) to be installed, implemented, and/or maintained to minimize the discharge of contaminants. • The permittee must complete, at a minimum, the required SOPs according to the following schedule: o one-fourth by the end of the 2nd permit year; o one-half by the end of the 3rd permit year; o three-fourths by the end of the 4th permit year; and o all by the end of the 5th permit year. • Submit the completed SOPs annually starting with the 2nd Annual Report.	2nd, 3rd, 4th, 5th Permit Years
		All	iv. • Develop and internally document storm water pollution prevention training in conjunction with the development of the SOPs for each category.	2nd, 3rd, 4th, 5th Permit Years

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	Minimum Measure	Permittee	Required BMP	Deadline/ Implementation Schedule
		All	v. • Conduct annual storm water pollution prevention training for all permittee staff directly involved with implementing SOPs. • Trainings will be conducted during the next permit year after development of each SOP. ***Example: SOP and training developed in 2nd Permit Year. Training conducted in 3rd Permit Year.*** • Retain records of completed trainings and attendance.	3rd, 4th, 5th Permit Years

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B. Training

The permittee is required to conduct and/or coordinate the following training and track/document all municipal staff participation in each:

1. Conduct comprehensive training during 1st year of permit term for all members of the storm water management team to educate them about the new permit, the updated SWMP and implementation responsibilities for the upcoming permit term. New members of the storm water management team must receive the equivalent amount of training within 90 days of the hire date.
2. Conduct storm water awareness training, at a minimum, during 1st and 4th years of permit term for all appropriate permittee field staff (and pretreatment inspection staff) and staff who work at permittee facilities. The training must provide education regarding storm water impacts, the MS4 permit, the detection and elimination of illicit discharges and the implementation of the ERP, and specifically address BMPs necessary to minimize discharges of pollutants during permittee activities or the operation of permittee facilities. Appropriate new field staff and staff who work at permittee facilities must receive the equivalent amount of training within 90 days of the hire date.
3. Conduct training, at a minimum, during the 1st and 4th years of the permit term for all inspectors and plan reviewers responsible for implementation of the Construction Site Storm Water Management Control Minimum Measure. Inspector training shall include inspection protocol and the implementation of the ERP upon development. New inspectors and plan reviewers must receive the equivalent amount of training within 90 days of the hire date.
4. Conduct training during, at a minimum, during the 1st and 4th years of the permit term for all inspectors and plan reviewers responsible for implementation of the Post-Construction Storm Water Management in New Development and Redevelopment Minimum Measure. Inspector training shall include inspection protocol and the implementation of the ERP. New inspectors and plan reviewers must receive the equivalent amount of training within 90 days of the hire date.
5. Conduct training, at the schedule outlined within Part II.6.a.v, for storm water staff responsible for implementing Standard Operating Procedures (SOPs) developed as a requirement of the Pollution Prevention/Good Housekeeping Minimum Measure. Training must be oriented to staff involved with the SOP-specific duties. New storm water staff responsible for implementing SOPs must receive the equivalent amount of training within 90 days of the hire date.

Commented [CA9]: Suggest removing the first "during."

C. Sharing Responsibility

In accordance with 17.30.1111(7), a small MS4 may share responsibility to implement the minimum control measures with another entity in order to satisfy their MPDES permit obligations to implement a minimum control measure. Shared responsibility is allowed only if the other entity implements the control measure, and the particular control measure, or component thereof, is at least as stringent as the corresponding MPDES permit requirement. The other entity must agree to implement the control measure on

Commented [CA10]: Suggest replace "is" with "to a degree."

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behalf of the owners and operators of the regulated small MS4. Written acceptance of this obligation is required. This obligation must be maintained as part of the description of the permittee's SWMP. In annual reports, the owners and operators must specify that they are relying on another entity to satisfy some of their permit obligations, unless the other entity is responsible to file the reports. The MS4 remains responsible for compliance with its permit obligations if the other entity fails to implement the control measure (or component thereof).

The MS4 should enter into a legally binding agreement with the other entity in order to minimize uncertainty about compliance with the MPDES permit.

D. Qualifying Local Program

If the application indicates a Qualifying Local Program requires a Small MS4 to implement one or more of the six minimum control measures as stated in ARM 17.30.1111 (9), and the permittee elects to do this in the application, then the permittee is directed to follow that qualifying program's requirements rather than the applicable storm water management program requirements stated in Part II.A.

E. Transfer of Ownership, Operational 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 storm water quality controls.) as expeditiously as possible. Implementation may be accomplished as part of a phased plan to allow additional time for controls that cannot be implemented immediately.

Commented [CA11]: Unneeded period.

Within 90 days of a transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing the SWMP on all newly added areas. The plan may include schedules for implementation. Information on all new annexed areas and any resulting updates required to the SWMP must be included in the Annual Report.

F. Storm Water Management Program Updates Required by the Department

The Department may require changes to the SWMP as needed to:

1. Address impacts on receiving water quality caused, or contributed to, by discharges from the Small MS4;

2. Include more stringent requirements necessary to comply with new federal statutory or regulatory requirements; or

3. Include such other conditions deemed necessary by the Department to comply with the goals and requirements of the Montana Water Quality Act.

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4. Update BMPs as necessary to improve program effectiveness per information and data submitted in permittees' Annual Reports.

5. Changes requested by the Department must be made in writing, set forth the time schedule for the permittee to develop the changes and update their program, and offer the permittee the opportunity propose alternatives to their program to meet the objective of the requested changes.

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Part III. Special Conditions

A. Water Quality Controls for Storm Discharges to Impaired Waterbodies Pre-Total Maximum Daily Load (TMDL) Approval

The permittee's Storm Water Management Plan (SWMP) must identify all outfalls that discharge to impaired waterbodies, the impaired waterbodies, and the associated pollutant(s) of impairment. Information on impaired waterbodies may be obtained from the Department or from the Montana DEQ Clean Water Act Information Center website: http://cwaic.mt.gov/. This information will be submitted with each Annual Report.

The permittee's SWMP must include a section that describes BMPs that target and reduce discharges of the identified pollutant(s) of impairment to impaired waterbodies without an approved TMDL. The permittee's Annual Report must contain a summary of BMPs implemented over the reporting period and a schedule of BMPs planned for the following year.

B. Water Quality Controls for Storm Discharges to Impaired Waterbodies with Approved TMDL Wasteload Allocations (WLAs)

Addressing TMDLs in the SWMP

Appendix A of the permit contains a list of TMDLs with WLAs assigned to MS4s approved by the Department and EPA as of the effective date of this permit. The permittee's SWMP must identify all outfalls that discharge to impaired waterbodies with an approved MS4 WLA, the impaired waterbodies, and the associated pollutant(s) of impairment. This information will be submitted with each Annual Report.

The permittee must include in its SWMP a section identifying the measures and BMPs it plans to implement, describing the MS4's impairment priorities and long term strategy, and outlining interim milestones (i.e., a completion schedule for action items) for controlling the discharge of the pollutants of concern and making progress towards meeting the TMDL. **TMDL-Related Monitoring**, below, will be incorporated into this section.

The TMDL section of the SWMP must be submitted with the 4th year Annual Report for approval. The permittee will begin to implement the approved section no later than the start of the 5th permit year. The section must be annually evaluated based on monitoring results, revised as needed, and resubmitted with Annual Reports beginning with the 5th year Annual Report. Rationale must be provided for any revisions to this section. Revisions must be approved by the Department.

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TMDL-Related Monitoring

The permittee must supplement the Self-Monitoring Requirements in Part IV with additional monitoring targeted at further evaluating MS4 loading to impaired waterbodies (Option 1) or at evaluating the effectiveness of BMPs selected for reducing MS4 loading to impaired waterbodies (Option 2). The same sample sites may be used for Self-Monitoring and TMDL Monitoring. Each permittee must inform the Department of its preferred Monitoring Option (1 or 2) with application for coverage under this renewed General Permit. Monitoring will begin no later than March 1 of the 2nd permit year.

Monitoring Option 1

1. At a minimum, the MS4 will select four sampling locations that discharge to impaired waterbodies. The location of these outfalls should consider the largest drainage areas, the surrounding land uses which could contribute to impairments, and high priority areas as identified by the IDDE minimum control measure. The permittee must submit a Sampling Plan to the Department for approval with the first Annual Report. The Sampling Plan should include strategy rationale, monitoring frequency, monitoring parameters, and monitoring locations. After the Sampling Plan is approved by the Department, the Permittee must provide a mechanism for public review of the plan.

2. Monitoring will be conducted semi-annually. Specific monitoring parameters will include pollutant(s) listed as a source of impairment specific to the receiving waterbody from the MS4. Monitoring data must be collected following procedures in 40 CFR Part 136, unless other test procedures have been specified in this General Permit.

Monitoring Option 2

1. As determined by the permittee and approved by the Department, Monitoring Option 2 provides the flexibility for a MS4-specific monitoring strategy that will provide the data required to track and evaluate effectiveness of BMPs. The permittee must submit a Sampling Plan to the Department for approval with the first Annual Report. The Sampling Plan should include strategy rationale, monitoring frequency, monitoring parameters, and monitoring locations. After the Sampling Plan is approved by the Department, the Permittee must provide a mechanism for public review.

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Part IV. Monitoring, Recording and Reporting Requirements

A. Self-Monitoring Requirements

Storm water monitoring requirements must initiate: (1) on the effective date of authorization issued under this General Permit, (2) as outlined by Part IV.A.4., or (3) as otherwise directed by the Department. The Department reserves the right to require additional storm water sampling, testing, and reporting on a case-by-case basis.

1. Storm Water Discharge Monitoring

   All permittees are required to perform sampling, testing, and reporting of storm water discharges for their Small MS4s under this General Permit, or as otherwise required by the Department.

2. Specific Monitoring Parameters

   The required monitoring parameters are listed in Table 1.

   Table 1. Small MS4 Monitoring Requirements

Parameter[(1) (2)]	**Frequency**	**Type**[(3)]
Total Suspended Solids (TSS), mg/L	Semi-annual	Grab or Composite
Chemical Oxygen Demand (COD), 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
pH, standard units	Semi-annual	Instantaneous
Copper, mg/L	Semi-annual	Grab or Composite
Lead, mg/L	Semi-annual	Grab or Composite
Zinc, mg/L	Semi-annual	Grab or Composite
Estimated Flow, gpm	Semi-annual	Instantaneous[(4)]
Oil and Grease[(5)], mg/L	Semi-annual	Grab

(1) Detection limits are pursuant to levels defined in Circular DEQ-7.
(2) Total recoverable methods to be used on all metals.
(3) See Definitions in Part VI. of this General Permit.
(4) Estimated flow rates are appropriate in cases where measurement gauges are not installed.
(5) Hexanes extraction (EPA Method 1664A).

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3. Monitoring Locations

Permittees will choose from the two monitoring location options below and submit their selected option to the Department with their application for General Permit coverage:

a. Monitoring Option 1

For each semi-annual monitoring period, MS4 permittees must sample at the following locations within the permitted geographic area:

- 2 discharge points which represent storm water runoff drainage areas from a relatively commercial and/or industrial area; and,
- 2 discharge points which represent storm water runoff drainage areas from a relatively residential area.

Monitoring locations must be consistently identified as "001A" and "001B" for the industrial/commercial locations, and "002A" and "002B" for the residential locations. If a new monitoring location is added or used to replace an existing monitoring location, the new location will be identified according to the numeric alphabet scheme above.

b. Monitoring Option 2

For each semi-annual monitoring period, MS4 permittees must establish a network of at least four (4) monitoring locations. At least one (1) monitoring location shall contain storm water runoff from a predominantly commercial and/or residential area and one (1) monitoring location shall contain storm water runoff from a predominantly residential area. At least one (1) monitoring location may be upstream, outside the MS4 boundary to evaluate water quality entering the MS4.

Monitoring locations must be consistently identified using a naming scheme of the permittee's choice, but the permittee can only use a chosen name once. If a new monitoring location is added or used to replace an existing monitoring location, a new name must be selected for the new location.

4. Storm Water Discharge Monitoring Schedule

Permittees authorized under the 2015 General Permit that were not required to monitor and obtain coverage under the 2017 General Permit are required to self-monitor starting January 1, 2018.

New authorizations under the 2017 General Permit (not authorized under the 2015 General Permit) are required to self-monitor starting three years from the date of authorization. These prescribed monitoring schedules provide flexibility for the permittee to establish a self-monitoring program.

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5. Impaired Waterbodies Monitoring

   Permittees with a storm water discharge to an impaired waterbody must conduct storm water discharge monitoring according to Part III. Special Conditions. Permittees must comply with all requirements associated with the TMDLs.

   New authorizations under the 2017 General Permit (not authorized under the 2015 General Permit) will apply Part III.A requirements to both storm water discharges to impaired waterbodies with pre-total maximum daily load (TMDL) approval and approved TMDL wasteload allocations. Part III. B is not applicable during this permit cycle.

6. Monitoring Frequency

   a. Sampling, testing, and reporting must be conducted at least semi-annually (two times per year) for each of the parameters listed in Table 1 above. 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.

   b. If a permittee is not able to dependably obtain a sample at the identified required sampling outfall during a six-month monitoring period, rationale must be recorded in the corresponding annual report on why the collection of a sample was impracticable and the permittee must collect a substitute sample during the subsequent six-month monitoring period in addition to the required sample for that six-month monitoring period. The substitute sample and required six-month sample may be collected from back to back storm events with at least 48 hours of no measurable precipitation.

   c. If a permittee fails to obtain the required sample for a six-month monitoring period, the permittee may request to replace the monitoring location outfall with appropriate rationale prior to the next calendar year. The Department must approve such requests prior to replacing a monitoring location. The new, approved outfall monitoring location will be identified with an unused outfall name/number. The permittee may not request to replace approved replacement monitoring locations again during the same permit cycle.

7. Monitoring Procedures

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

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8. Penalties for Tampering

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

B. Reporting and Evaluation of Monitoring Results

1. Monitoring results shall be submitted to the Department with each annual report.

2. Each annual report shall include a calculation of the long-term median concentration of each parameter in Table 1 of Part IV.A. The long-term median shall be calculated from all known monitoring results for each parameter at a monitoring location.

3. Monitoring results shall be used by permittees to self-evaluate measures taken to improve the quality of storm water discharges. Each annual report shall include an evaluation of the monitoring results relative to the long-term median. The evaluation must include (1) comparisons between monitoring locations, (2) discuss determinations for exceedances of the calculated long-term median or results outside a pH range of 6.0 to 9.0 standard units, and (3) a schedule and rationale for BMPs planned to improve water quality of storm water discharges based on monitoring results.

C. Monitoring Records

The following information must be recorded and maintained at the office of the contact person/position for all storm water discharges which are sampled:

1. Date, exact place, and time of sampling;
2. Estimated duration (in hours) of the storm event(s) sampled;
3. Total rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
4. Name(s) of the individuals which performed the sampling or measurements; and
5. Analytical laboratory test result data and reports for storm water samples, and/or records, which minimally indicate:
   a. The date(s) analyses were performed;
   b. The time analyses were initiated;
   c. The initials or name(s) of individual(s) who performed the analyses;
   d. References and written procedures, when available, for the analytical techniques or methods used; and
   e. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc. used to determine these results.

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D. Retention of Records

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

E. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained an any compliance schedule of the permit must be submitted to DEQ in either electronic or paper format and be postmarked no later than 14 days following each schedule date unless otherwise specified in the permit.

F. Annual Report

1. The permittee (or co-permittee if co-permitted under one permit authorization number) shall prepare and submit an annual report to the Department for each calendar year within the General Permit term.
2. The permittee shall submit the original signed copy of the annual report form and required attachments to the Department by March 1st of each year for the preceding calendar year.
3. Each co-permittee shall submit an annual report form pertaining to their respective permitted Small MS4(s) unless formal written shared responsibilities allow another entity to complete the annual report form obligations.
4. The Department has provided an annual report form for use by all permittees or co-permittees.
5. If additional information is requested with the annual report form, then the permittee must submit this additional information at the same time as the form.
6. Monitoring results and evaluations, as required in Part IV.B.of the General Permit, must be attached to the annual report form.
7. If the permittee or co-permittee has made any updates, changes, or improvements to their Storm Water Management Program during the prior calendar year, then an attachment to the annual report must provide a date and description of these updates, changes, or improvements.
8. Full-size hard-copies of storm sewer system maps, including updates, must be submitted to the Department with the annual report form if the map(s) was developed or modified during the calendar year for which the annual report pertains.
9. The completion of this annual report must initiate for the calendar year in which authorization under the General Permit was issued.
10. The annual report must comply with the signatory and certification requirements as stated in Part VI.
11. Updates or revisions to submitted documents after the initial required submittal per development of the SWMP as outlined in Part II will be retained onsite with the last revision date, and documents must be available upon request.

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G. Changes in Storm Water Coordinator

The NOI identifies a formal Storm Water Coordinator for each permittee or co-permittee. Should the Storm Water Coordinator person/position, mailing address, email address, or telephone number identified on the Application Form change, the permittee or co-permittee must notify the Department in writing of this change within 15 calendar days of the change. This written notification must specifically reference that there is a "change of the Storm Water Coordinator", specifically identify the permit authorization number, and specifically identify the formal "Small MS4 Name" as identified on the NOI. The written notification letter for a change in the Storm Water Coordinator must be signed by a person meeting the signatory requirements of Part VI.

H. 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 Storm Water Coordinator for their respective Small MS4, and shall be made available to Department inspectors upon request for all permittees and co-permittees.

I. Inspection and Entry

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

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment) practices, operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance, any substance or parameters at any location.

J. Twenty-four Hour Notice of Noncompliance Reporting

1. The permittee shall report any serious incident of noncompliance 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) 444-3080 or the Office of Disaster and Emergency Services at (406) 324-4777. The following examples are considered serious incidents:
   a. Any noncompliance which may seriously endanger health or the environment;
   b. Any unanticipated bypass which exceeds any effluent limitation in the permit; or
   c. Any upset which exceeds any effluent limitation in the permit.

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2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
   a. A description of the noncompliance and its cause;
   b. The period of noncompliance, including exact dates and times;
   c. The estimated time noncompliance is expected to continue if it has not been corrected already; and
   d. DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau, by phone, (406) 444-3080.
   e. Reports shall be submitted to the following address:
   DEQ Water Protection Bureau, PO Box 200901, Helena, MT 59620.

K. Other Required Reporting

1. The permittee shall report any serious incident of illicit discharge within permitted MS4 boundaries that affects 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) 444-3080.

2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
   a. A description of the illicit discharge and its cause/origin;
   b. The period of illicit discharging, including exact dates and times;
   c. The estimated time for correction of the illicit discharge if it has not been corrected already; and
   d. DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Protection Bureau, by phone, (406) 444-3080.
   e. Reports shall be submitted to the following address:
   DEQ Water Protection Bureau, PO Box 200901, Helena, MT 59620.

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Part V. Compliance Responsibilities

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Montana Water Quality Act and is grounds for enforcement action; for termination under the General Permit; or for denial of coverage under this General Permit renewal. The permittee shall give the Department advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance.

B. Penalties for Violations of Permit Conditions

The Montana Water Quality Act provides that any person who violates a permit condition of the Act is subject to civil or criminal penalties not to exceed $25,000 per day or one year in prison, or both, for the first conviction, and $50,000 per day of violation or by imprisonment for not more than two years, or both, for subsequent convictions. MCA 75-5-611(a) also provides for administrative penalties not to exceed $10,000 for each day of violation and up to a maximum not to exceed $100,000 for any related series of violations. Except as provided in permit conditions "Bypass of Treatment Facilities" and "Upset Conditions", nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense

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

D. Duty to Mitigate

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

E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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F. Removed Substances

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

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Part VI. General Requirements

A. Planned Changes

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

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

B. Anticipated Noncompliance

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

C. Permit Actions

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

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The NOI must be submitted at least 90 days before the expiration date of this permit.

E. Duty to Provide Information

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

F. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a NOI, or submitted incorrect information in an NOI or any report to the Department, it shall promptly submit such facts or information with a narrative explanation of the circumstances of the omission or incorrect submittal and why they weren't supplied earlier.

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G. Signatory Requirements

All NOIs, reports or information submitted to the Department or the EPA shall be signed and certified.

1. All permit notices of intent shall be signed by either a principal executive officer or ranking elected official.

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

   a. The authorization is made in writing by a person described above and submitted to the Department; and

   b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or an individual occupying a named position.

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

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

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

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H. Penalties for Falsification of Reports

The Montana Water Quality Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $25,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. Availability of Reports

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

J. Oil and Hazardous Substance Liability

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

K. Property Rights

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

L. Severability

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

M. Transfers

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

N. Fees

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

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1. Impose an additional assessment computed at the rate established under ARM 17.30.201: and,

2. Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. The Department may lift suspension at any time up to one year after the suspension occurs if the holder has paid all outstanding fees, including all penalties, assessments and interest imposed under this sub-section. Suspensions are limited to one year, after which the permit will be terminated.

O. Reopener Provisions

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

1. Water Quality Standards: The water quality standards of the receiving water(s) to which the permittee discharges are modified in such a manner as to require different permit conditions than contained in this permit.

2. Water Quality Standards are Exceeded: If it is found that water quality standards or trigger values in the receiving stream are exceeded either for parameters included in the permit or others, the Department may modify the permit conditions or water management plan.

3. TMDL or Wasteload Allocation: TMDL requirements or a wasteload allocation is developed and approved by the Department and/or EPA for incorporation in this permit.

4. Water Quality Management Plan: A revision to the current water quality management plan is approved and adopted which calls for different effluent limitations than contained in this permit.

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

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Part VII. Definitions

1. The "Act" means the Federal Clean Water Act.

2. "Best Management Practices" ("BMPs") means schedule of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of state waters. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

3. "Control measure" as used in this General Permit, means any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to state waters.

4. The "Department" means the Montana Department of Environmental Quality.

5. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

6. "Grab Sample" for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.

7. “Green Infrastructure” means vegetation, soils, and natural processes used to manage water and create healthier urban environments. At the scale of a city or county, green infrastructure refers to the patchwork of natural areas that provides habitat, flood protection, cleaner air, and cleaner water. At the scale of a neighborhood or site, green infrastructure refers to storm water management systems that mimic nature by soaking up and storing water.

8. "Hazardous substance" means any substance designated under 40 CFR Part 116 pursuant to section 311 of the federal Clean Water Act.

9. "Illicit Connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

10. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to an MPDES permit (other than the MPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

11. "MEP" is an acronym for "Maximum Extent Practicable", the technology-based discharge standard for Municipal Separate Storm Sewer Systems to reduce pollutants in storm water discharges that was established by the Clean Water Act, Section 402(p). A discussion of MEP as it applies to Small MS4s is found in ARM 17.30.1111(5). The MEP standard requires the development, implementation, and enforcement of measures including BMPs, control techniques, system design, engineering methods, and other

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provisions that the Department determines to be appropriate for the control of such pollutants. MEP is an iterative, dynamic, flexible standard that the permittee shall evaluate and update continuously, as necessary, to better tailor or expand the program based on its effectiveness in reducing pollutant discharge load.

12. "MS4" means a municipal separate storm sewer system.

13. "Municipal separate storm sewer[(1)]" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that discharges to surface waters and is: (a) owned or operated by the state of Montana, a governmental subdivision of the state, a district, association, or other public body created by or pursuant to Montana law, including special districts such as sewer districts, flood control districts, drainage districts and similar entities, and designated and approved management agencies under section 208 of the federal Clean Water Act, which has jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, and is:
    a. designed or used for collecting or conveying storm water;
    b. not a combined sewer; and
    c. not part of a publicly owned treatment works (POTW) as defined in ARM Title 17, chapter 30, subchapter 13.

14. “Non-Traditional MS4” means MS4s which are designated as Small MS4s but are not cities or counties, such as drainage districts, transportation agencies, municipal utility districts, military bases, prisons and universities.

15. "Outfall" means the physical location where these conveyance structures discharge pollutants or storm water into surface water or where they leave the boundary of the designated MS4.The term does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels or other conveyances that connect segments of the same stream or other surface waters and that are used to convey surface waters.

16. "Owner or operator" means a person who owns, leases, operates, controls, or supervises a point source. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

17. "Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

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18. "Small municipal separate storm sewer system" means:
    a. small MS4s, and portions of them, that are located in the following urbanized areas in Montana as determined by the latest decennial census by the United States census bureau:
        i. the city of Billings and Yellowstone County;
        ii. the city of Missoula and Missoula County; and
        iii. the city of Great Falls and Cascade County;
    b. the following small MS4s serving a population of at least 10,000 as determined by the latest decennial census by the United States census bureau and that are located outside of an urbanized area:
        i. MS4s located in the city of Bozeman;
        ii. MS4s located in the city of Butte;
        iii. MS4s located in the city of Helena; and
        iv. MS4s located in the city of Kalispell;
    c. MS4s designated by the department pursuant to 17.30.1107; and
    d. systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large educational, hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

19. "Small MS4" means a small municipal separate storm sewer system.

20. "State waters" is defined at 75-5-103, MCA.

21. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

22. "Storm Water Management Program" or "SWMP" means a comprehensive program to manage the quality of storm water discharged from the Small municipal separate storm sewer system.

23. "Surface waters" means any waters on the earth's surface including, but not limited to, streams, lakes, ponds, and reservoirs, and irrigation and drainage systems discharging directly into a stream, lake, pond, reservoir, or other surface water. Water bodies used solely for treating, transporting, or impounding pollutants shall not be considered surface water.

24. "Time-weighted composite sample" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

25. "Total Maximum Daily Load" or "TMDL" is defined at 75-5-103, MCA.

26. “Traditional MS4” means all cities and counties covered by this General Permit.

27. "Waste Load Allocation" or "WLA" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources.

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Appendix A: TMDLs with MS4 Approved WLAs

Basin: Upper Missouri

Affected MS4s: City of Helena
Pollutants of Concern: Total Phosphorus (TP), Total Nitrogen (TN), Total Suspended Solids (TSS)
MS4 WLA: None specified for Nutrients and Sediment in Prickly Pear Creek and Ten Mile Creek.
Assumptions and Actions Specified by the TMDL: The Department recognized that regulated storm water contributes only a small fraction of the total nutrient load and total sediment load. No additional requirements were imposed for permitted storm water facilities. However, to meet the intent of the TMDL goals and future recommendations, Helena MS4 must follow their permit requirements, evaluate potential impacts to impaired receiving waters, and utilize monitoring to implement an adaptive management approach to minimize pollutant loads.
Name and Date of TMDL: Framework Water Quality Restoration Plan and Total Maximum Daily Loads (TMDLs) for the Lake Helena Watershed Planning Area: Volume II – Final Report (August 2006)
Status of the TMDL: Final
Link to Main TMDL Document:
http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/M09-TMDL-02a.pdf

Affected MS4s: City of Great Falls
Pollutants of Concern: Total Phosphorus (TP), Total Nitrogen (TN), and Sediment
MS4 WLA: None specified in the Lower Sun River.
Assumptions and Actions Specified by the TMDL:
In 2004, the MS4 was not considered a significant point source and no MS4 WLAs were developed. However, the Department recognized that urban areas have the potential to impact nutrient and sediment loading and future analysis is needed. To meet the intent of the TMDL goals and future recommendations, Great Falls MS4 must follow their permit requirements, evaluate potential impacts to impaired receiving waters, and utilize monitoring to implement an adaptive management approach to minimize pollutant loads.
Name and Date of TMDL: Water Quality Restoration Plan and Total Maximum Daily Loads for the Sun River Planning Area (December 2004)
Status of the TMDL: Final
Link to Main TMDL Document:
http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/M13-TMDL-01a.pdf

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Affected MS4s: City of Bozeman, Montana State University-Bozeman
Pollutants of Concern: Total Suspended Solids (TSS), Total Phosphorus (TP), Total Nitrogen (TN), E.coli
MS4 WLAs as follows: Note that WLAs apply to all MS4s that were co-permittees at the time of TMDL development; therefore, WLAs are aggregated and not individually assigned to each MS4.
TSS: The WLA is 137 tons of sediment per year for the Bozeman Creek watershed, which is a 37% reduction from the estimated existing load (218 tons/year). Because of the limited amount of data for Bear Creek, the Bear Creek WLA is also a 37% reduction (3.4 tons/year).
TSS Assumptions and Actions Specified by the TMDL: Percent reduction allocations were developed, but the WLAs are not intended to add load limits to the permit. WLAs are met by adhering to the permit requirements to minimize pollutant loads. As identified in the permit, monitoring data should continue to be evaluated to assess BMP performance and help determine whether and where additional BMP implementation may be necessary.
Nutrients: Since the storm water system should not be actively discharging during typical summer low flow conditions, both the existing load and WLA are defined as 0 (zero) for Bozeman Creek (Total Nitrogen), East Gallatin River (Total Nitrogen & Total Phosphorus); Bridger Creek (Nitrate), and Mandeville Creek (Total Nitrogen & Total Phosphorus).
Nutrient Assumptions and Actions Specified by the TMDL: When the storm water system is activated, the WLAs are met by adhering to the permit requirements and that monitoring can be used to implement an adaptive management approach to minimize pollutant loads. The MS4 is assigned a wasteload allocation of zero when the storm water system is not activated or functioning during storm events. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve this WLA, which requires the permittees to regularly update the storm sewer system map, showing the location and number of outfalls.
Escherichia coli (E. coli): The MS4 will be assigned a wasteload allocation of 0 (zero) in Bozeman Creek when the storm water system is not activated.
E. coli Assumptions and Actions Specified by the TMDL: When the storm water system is activated, the WLAs are met by adhering to the permit requirements and that monitoring can be used to implement an adaptive management approach to minimize pollutant loads. The MS4 is assigned a wasteload allocation of zero when the storm water system is not activated or functioning during storm events. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve this WLA, which requires the permittees to regularly update the storm sewer system map, showing the location and number of outfalls.
Name and Date of TMDL: Lower Gallatin Planning Area TMDLs & Framework Water Quality Improvement Plan (March 2013)
Status of the TMDL: Final
Link to Main TMDL Document:
http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/M05-TMDL-02a.pdf

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Basin: Columbia Basin

Affected MS4s: Butte-Silver Bow (BSB)
Pollutants of Concern: Total Phosphorus (TP), Total Nitrogen (TN), Total Suspended Solids (TSS), Metals (Arsenic, Cadmium, Copper, Lead, Mercury, and Zinc)
MS4 WLAs as follows:
TSS: The WLA is 179 tons of sediment per year from the BSB MS4 to Silver Bow Creek. (A 76% reduction from the current estimated load of 746 tons/yr.) The WLA comprises 8.5% of the Silver Bow Creek sediment TMDL.
TSS Assumptions and Actions Specified by the TMDL: Percent reduction allocations were developed, but the WLAs are not intended to add load limits to the permit. The WLAs are met by adhering to the permit requirements. As identified in the permit, monitoring data should continue to be evaluated to assess BMP performance and help determine whether and where additional BMP implementation may be necessary.
Nutrients: The MS4 will be assigned a WLA of zero (0) lbs/day TN and TP in Silver Bow Creek when the storm water system is not activated.
Nutrient Assumptions and Actions Specified by the TMDL: When the storm water system is activated, the WLAs are met by adhering to the permit requirements and that monitoring can be used to implement an adaptive management approach to minimize pollutant loads. The MS4 is assigned a wasteload allocation of zero when the storm water system is not activated or functioning during storm events. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve this WLA, which requires the permittees to regularly update the storm sewer system map, showing the location and number of outfalls.
Metals: The Butte-Silver Bow MS4 and the Butte Area Superfund Site are presently addressed in Silver Bow Creek via a composite wasteload allocation (WLA_{Butte}) because the sections of these areas overlap.
WLA_{Butte}
Arsenic: 2.38 lbs/day
Cadmium: 0.07 lbs/day
Copper: 2.85 lbs/day
Lead: 1.09 lbs/day
Mercury: 0.01 lbs/day
Zinc: 36.6 lbs/day
Metals Assumptions and Actions Specified by the TMDL: The WLAs are met by adhering to the permit requirements because the Superfund site has the goal of meeting water quality targets in Silver Bow Creek with direction from the CERCLA program.
Name and Date of TMDL: Upper Clark Fork Phase 2 Sediment and Nutrients TMDLs and Framework Water Quality Improvement Plan (April 2014)
Status of the TMDL: Final
Link to Main TMDL Document:
http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C01-TMDL-04a.pdf

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Affected MS4s: City of Kalispell
Pollutants of Concern: Total Phosphorus (TP), Total Nitrogen (TN), Nitrate + Nitrite, Dissolved Oxygen (DO), Sediment, Temperature
MS4 WLAs as follows:
Nutrients: The TP WLAs are Middle Ashley Creek 15 lbs/growing season (44% reduction), Spring Creek 13 lbs/growing season (44% reduction), and Lower Ashley Creek 54 lbs/growing season (44% reduction). The TN WLAs are Middle Ashley Creek 292 lbs/growing season (30% reduction), Spring Creek 269 lbs/growing season (30% reduction), and Lower Ashley Creek 1030 lbs/growing season (30% reduction). The TN TMDL for Lower Ashley Creek provides a surrogate TMDL and allocations to address the Nitrate + Nitrite impairment. Water quality improvements that address excess TN loading will adherently result in decreased Nitrate + Nitrite loading and concentrations.
Nutrient Assumptions and Actions Specified by the TMDL: The Kalispell MS4 does not continuously discharge, and it only sporadically discharges during the dry summer growing season. Percent reduction allocations were developed, but the WLAs are not intended to add load limits to the permit. The WLAs are met by adhering to the permit requirements. As identified in the permit, monitoring data should continue to be evaluated to assess BMP performance and help determine whether and where additional BMP implementation may be necessary.
Dissolved Oxygen: None specified for Ashley Creek and Spring Creek.
Dissolved Oxygen Assumptions and Actions Specified by the TMDL: Water quality improvements addressed in Nutrient TMDLs will result in improved DO concentrations. Therefore, the DO concentrations will increase by adhering to the permit requirements and discharge volumes. As identified in the permit, monitoring data should continue to be evaluated to assess BMP performance and help determine whether and where additional BMP implementation may be necessary.
Sediment: The Sediment WLAs are Middle Ashley Creek 15.4 tons/year (62% reduction), Spring Creek 46.5 tons/year (62% reduction), Lower Ashley Creek 16.5 tons/year (62% reduction), and Stillwater River 16.5 tons/year (62% reduction).
Sediment Assumptions and Actions Specified by the TMDL: Percent reduction allocations were developed, but the WLAs are not intended to add load limits to the permit. The WLAs are met by adhering to the permit requirements. As identified in the permit, monitoring data should continue to be evaluated to assess BMP performance and help determine whether and where additional BMP implementation may be necessary.
Temperature: None specified for Ashley Creek and Whitefish River.
Temperature Assumptions and Actions Specified by the TMDL: The discharge temperatures will be consistent with naturally occurring conditions by the City of Kalispell MS4 adhering to the permit requirements. As identified in the permit, monitoring data should continue to be evaluated to assess BMP performance and help determine whether and where additional BMP implementation may be necessary.
Name and Date of TMDL: Flathead-Stillwater Planning Area Nutrient, Sediment, and Temperature TMDLs and Water Quality Improvement Plan (December 2014) which references Flathead Lake Nutrient TMDL Document (Phase 1, 2002)
Status of the TMDL: Final

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Link to Main TMDL Document:
http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C11-TMDL-02aF.pdf.

Affected MS4s: City of Missoula
Pollutants of Concern: Total Nitrogen (TN), Sediment, Metals (Arsenic, Cadmium, Copper, Lead, Iron, and Zinc)
MS4 WLAs as follows:
Nutrients: The TN WLA for Grant Creek is 0.0 lbs/day.
Nutrient Assumptions and Actions Specified by the TMDL: Percent reduction allocations were developed, but the WLAs are not intended to add load limits to the permit. The WLAs are met by adhering to the permit requirements. The MS4 is assigned a wasteload allocation of zero when the storm water system is not activated or functioning during storm events. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve this WLA, which requires the permittees to regularly update the storm sewer system map, showing the location and number of outfalls. When the storm water system is activated, the WLAs are met by adhering to the permit requirements and that monitoring can be used to implement an adaptive management approach to minimize pollutant loads.
Sediment: The Sediment WLA for Grant Creek 7.8 tons/year (53% reduction).
Sediment Assumptions and Actions Specified by the TMDL: Percent reduction allocations were developed, but the WLAs are not intended to add load limits to the permit. The WLAs are met by adhering to the permit requirements. As identified in the permit, monitoring data should continue to be evaluated to assess BMP performance and help determine whether and where additional BMP implementation may be necessary.
Temperature: None specified for Grant Creek and Bitterroot River.
Temperature Assumptions and Actions Specified by the TMDL: No MS4 WLAs (except during periods of non-storm water runoff) were developed for Grant Creek or the Bitterroot River. To meet the intent of the TMDL goals and future recommendations, the MS4 must follow their permit requirements, evaluate potential impacts to impaired receiving waters, and implement Low Impact Development practices. The MS4 is assigned a wasteload allocation of zero when the storm water system is not activated or functioning during storm events. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve this WLA. When the storm water system is activated, the WLAs are met by adhering to the permit requirements and that monitoring can be used to implement an adaptive management approach to minimize pollutant loads.
Metals: The Clark Fork River (MT76M001_030, Blackfoot River to Rattlesnake Creek) WLAs include a 55% reduction to metal loads, applicable to arsenic, cadmium, copper, iron, lead, and zinc. This reduction equates to 0.009 lbs/day of copper, 0.0045 lbs/day of lead, and 0.00004 lbs/day of zinc. No loads for arsenic, cadmium, or iron were calculated for this stream segment. The Clark Fork River (MT76M001_020, Rattlesnake Creek to Fish Creek) WLAs include a 40% reduction to metal loads, applicable to copper, iron, and lead. This reduction equates to 1.1 lbs/day of copper and 0.51 lbs/day of lead. No load for iron was calculated for this stream segment. The lead WLA for the Bitterroot River is 0.08 lbs/day (54% reduction).

Metals Assumptions and Actions Specified by the TMDL: Percent reductions and wasteload allocations were developed for the metals identified above in the Bitterroot River and Clark Fork River, but the WLAs are not intended to add load limits to the permit. The WLAs are met by

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adhering to the permit requirements. As identified in the permit, monitoring data should continue to be evaluated to assess BMP performance and help determine whether and where additional BMP implementation may be necessary.

Name and Date of TMDL: Silver Bow Creek and Clark Fork River Metals TMDLs (May 2014); Bitterroot Watershed Total Maximum Daily Loads and Water Quality Improvement Plan (December 2014); Bitterroot Temperature and Tributary Sediment Total Maximum Daily Loads and Framework Water Quality Improvement Plan (August 2011); and Central Clark Fork Basin Tributaries TMDLs and Water Quality Improvement Plan (September 2014).

Status of the TMDL: All final.

Links to Main TMDL Document:

http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C01-TMDL-05a.pdf
http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C05-TMDL-04aF.pdf
http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C05-TMDL-03a.pdf
http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/COL-TMDL-01a.pdf

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