

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

GENERAL PERMIT

For

Disinfected Water and Hydrostatic Testing

Permit No.: MTG770000

AUTHORIZATION TO DISCHARGE UNDER THE MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated (MCA), and the federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. 1251 et. seq., applicants issued an authorization letter for this Disinfected Water and Hydrostatic Testing General Permit, are permitted to discharge disinfected water and hydrostatic testing wastewater to state waters in accordance with permit compliance requirements and other conditions set forth herein.

A copy of this General Permit and an authorization letter from the Department must be kept on site at all times. The General Permit is not valid without an authorization letter from the Department.

This permit shall become effective **upon issuance**.

This permit and the authorization to discharge shall expire at midnight, **5 years after the effective date**.

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY

DRAFT

Jon Kenning, Chief
Water Quality Bureau
Permitting and Compliance Division

Issuance Date: _____

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I. ELIGIBILITY CRITERIA AND APPLICATION PROCESSES

A. Eligible Land Areas

This General Permit applies to all areas of the State of Montana, except for Indian Reservations.

B. Sources Eligible for Coverage

1. Discharges of water from municipal water systems including, fire hydrants, water storage towers or tanks; and public or private swimming pools.
2. Discharges of water from public or private facilities which use municipal or non-municipal water to test the hydrostatic properties of new or existing piping, tanks, vessels, boilers and other similar equipment that has been physically cleaned to ensure there will be no discharge of residual petroleum-containing wastes or other type of wastes.

C. Sources Excluded from Coverage

The following sources are excluded from coverage under this General Permit:

1. The specific source applying for authorization appears unable to comply with:
 - a) Effluent limits or other terms and conditions of the permit;
 - b) Water quality standards established pursuant to 75-5-301, MCA; and
 - c) Discharges that the regional administrator has objected to in writing.
2. The discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the General Permit.
3. A MPDES permit or authorization for the same operation has previously been denied or revoked.
4. The discharge to be authorized under a general MPDES permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, *et seq.*, MCA.
5. The point source will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications 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.
6. Discharges to receiving waters classified as A-Closed pursuant to Title 17, Chapter 30, Subchapter 6.

7. Owner or operators of point sources that discharge process wastewater regulated by a federal effluent limit guideline or new source performance standard may not apply for coverage under this permit. Process wastewater is defined as any water which during manufacturing or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by product or waste product.
8. Filter backwash from cleaning and maintenance activities and tank bottom sludge are not allowed to be discharged under the General Permit.

D. Maintain Permit Coverage

The 2010 General Permit authorizations expire on May 31, 2015. The Department will reissue an authorization to an existing permittee to operate under the new 2015 General Permit after the permittee submits a renewal request for continued coverage and the Department completes its review of the application [ARM 17.30.1341(4)]. The renewal request must be submitted to the Department before the expiration date of the 2010 General Permit (May 31, 2015). The renewal request includes submittal of a complete application package consisting of:

- Notice of Intent (NOI) form; and
- Fee (includes renewal permit fee) as required under 75-5-516, MCA and ARM 17.30.201 (Schedule I.B.).

Upon receipt of an application package, the Department will review the application. If DEQ does not find deficiencies during the review, the Department will issue an authorization letter. If the Department finds deficiencies during the review, the Department may deny authorization under the permit or will contact the applicant for additional information necessary to ensure the application package meets requirements.

E. Obtain Permit Coverage

New dischargers seeking to obtain coverage under the General Permit must submit a complete application package, including:

- Notice of Intent (NOI) form; and
- Fee (includes new permit fee) as required under 75-5-516, MCA and ARM 17.30.201 (Schedule I.B.).

The complete package must be submitted at least 30 days prior to the operation of the disinfected water or hydrostatic testing activity.

Upon receipt of an application package, the Department will review the application. If the Department does not find deficiencies during the review, the Department will issue an authorization letter. If the Department finds deficiencies during the review, the Department may deny authorization under the permit or will contact the applicant for additional information necessary to ensure the application package meets requirements.

F. Terminate Permit Coverage

Permit authorizations may be terminated if the Department receives notice from the permittee that the disinfected water or hydrostatic testing activity will not be continued. This notice must be signed and certified in accordance with the signatory requirements in Part III. M of the General Permit and all applicable fees must be paid. Alternatively, permittees may complete and submit to the Department a Request For Termination (RFT) form available at www.deq.mt.gov/wqinfo/WPBForms/pdf/RTF.pdf. Failure to submit a notice of termination shall result in accrual of annual fees until such notice is received by the Department.

In addition to the ability to request a termination, the owner or operator of a facility covered under the General Permit may request to be excluded from coverage under this General Permit by applying for and obtaining an individual MPDES permit pursuant to ARM Title 17, Chapter 30, Subchapter 13. If an individual MPDES permit is issued to the owner or operator, coverage under the General Permit is terminated on the effective date of the final individual MPDES permit.

G. Transfer Permit Coverage

The Department may transfer a disinfected water or hydrostatic testing authorization to a new owner or operator under the General Permit. To transfer a disinfected water or hydrostatic testing authorization both the current owner and new owner must fill out and sign the Permit Transfer Notification form available on the Department's web site at <http://deq.mt.gov/wqinfo/WPBForms/Forms1.mcp.x>.

II. PERMIT COMPLIANCE

During the period beginning immediately and lasting through the duration of the permit, the permittee is authorized to discharge from the outfall(s) specifically described in the authorization letter at the following effluent limits:

A. Effluent Limitations for Disinfected Water Discharges

Table 1. Effluent Limits for Disinfected Water Discharges				
Parameter	Units	Monthly Average	Daily Maximum	RRV
Total Residual Chlorine ¹	mg/L	0.011	0.019	0.1
1. Sampling of the effluent with an analytical result at or less than the Required Reporting Value (RRV) is considered in compliance with the daily maximum effluent limit.				

Dehalogenation chemicals are limited to 1.5 times the manufacturers' recommended dosage identified on the chemical package label.

B. Effluent Limitations for Hydrostatic Testing Discharges

Table 2. Effluent Limitations for Hydrostatic Testing Discharges				
Parameter	Units	Monthly Average	Daily Maximum	RRV
Total Residual Chlorine ¹	mg/L	0.011	0.019	0.1
Benzene ¹	µg/L	--	0.5	0.6
Toluene ¹	µg/L	--	0.01	1
Ethylbenzene ¹	µg/L	--	0.002	1
Total xylenes ¹	µg/L	--	0.5	3
Total Suspended Solids	mg/L	30	45	10
Oil and grease	mg/L	--	10	1
Oil and grease (visual)	Presence/ Absence	No visible sheen		
1. Sampling of the effluent with analytical result at or less than the Required Reporting Value (RRV) is considered in compliance with the daily maximum effluent limit.				

Dehalogenation chemicals are limited to 1.5 times the manufacturers' recommended dosage identified on the chemical package label.

Sampling of the effluent with analytical results at or less than the RRVs for BTEX compounds is considered in compliance with the daily maximum effluent limits.

C. Monitoring Requirements

Samples or measurements must be representative of the volume and nature of the discharge. Samples, measurements, and observations of the discharge must be taken after treatment and prior to mixing with state waters.

Analytical methods used to measure TRC for purposes of compliance with the effluent limit must achieve a minimum detection level of 0.1 mg/L. Sampling of the effluent with analytical results less than or equal to 0.1 mg/L is considered in compliance with the TRC limit in the General Permit.

Use approved analytical methods for BTEX compounds, such as EPA Method 602, 624, or equivalent, in Code of Federal Regulations (CFR) 40 Part 136.

1. Monitoring Requirements for Disinfected Water Discharges

Table 3. Disinfected Water Monitoring Requirements					
Parameter	Units	Sample Location	Sample Frequency	Sample Type ¹	Reporting Requirement
Total Residual Chlorine	mg/L	Effluent	1/Day	Instantaneous	Daily Maximum
Footnotes:					
1. See Definition section at end of permit for explanation of terms.					

2. Monitoring Requirements for Hydrostatic Testing Discharges

Table 4. Hydrostatic Testing Water Monitoring Requirements					
Parameter	Unit	Sample Location	Sample Frequency	Sample Type ¹	Reporting Requirement
Total Residual Chlorine ²	mg/L	Effluent	1/Day	Instantaneous	Daily Maximum
Total Suspended Solids	mg/L	Effluent	1/Week	Grab	Daily Maximum and Monthly Average
Oil and grease sheen ³	Presence/ Absence	Effluent	1/Day	Visual	--
Oil and grease ³	mg/L	Effluent	When present	Grab	--
Benzene ⁴	µg/L	Effluent	1/Week	Grab	Daily Maximum
Toluene ⁴	µg/L	Effluent	1/Week	Grab	Daily Maximum
Ethylbenzene ⁴	µg/L	Effluent	1/Week	Grab	Daily Maximum
Total xylenes ⁴	µg/L	Effluent	1/Week	Grab	Daily Maximum
Footnotes: 1. See Definition section at end of permit for explanation of terms. 2. If water without total residual chlorine is used for hydrostatic testing, no monitoring for this parameter is required. Note "NA" on the DMR. 3. If a visual examination of the discharge indicates the presence of oil and grease by sheen, odor, or other sign, the permittee is required to sample for oil and grease using EPA Method 1664A. 4. BTEX samples must be obtained during the first day of discharge and once a week thereafter. Use EPA approved analytical methods for BTEX compounds, such as Method 602, 624, or equivalent in 40 CFR Part 136.					

If oil and grease is present, the operator must cease the discharge until oil and grease is eliminated.

D. Other Monitoring Requirements

Facilities are required to maintain a permanent log relating to the discharge for the term of the permit. The log shall be used to establish a chronological record of events concerning the operation of the activity. The log must contain: the amount of dehalogenation chemical used each month and the manufacturers' recommended dosage on the chemical package label, date of observations, flow information and data, sample results, records of any visual observations and a description of changes in the operation or physical arrangement of the activity. The log must be available for the Department review during an inspection.

III. STANDARDS CONDITIONS

A. Duty to Comply

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

The permittee shall comply with effluent standards or prohibitions established under the Act and rules adopted thereunder including limitations for toxic pollutants in ARM 17.30.1206; section 307(a) of the federal Clean Water Act; and, with standards for sewage sludge use or disposal established under section 405(d) of the Clean Water Act, within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

The Act provides that any person who violates a permit condition or limitation is subject to a civil penalty not to exceed \$25,000 per day for each violation. Any person who willfully or negligently violates 75-5-605, MCA including a permit condition or limitation is subject to criminal penalties not to exceed \$25,000 per day of violation, imprisonment for not more than one year, or both. In the case of a second or subsequent conviction for a willful or negligent violation, a person is subject to a fine of not more than \$50,000 per day of violation, imprisonment of not more than two years, or both.

The Act provides that any person who violates a permit condition or limitation may be assessed an administrative penalties by the department not to exceed \$10,000 per violation per day with the maximum penalty assessed not to exceed \$100,000 for any related series of violations.

B. Duty To Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for coverage 30 days prior to the permit expiration date.

C. Need to Halt or Reduce Activity not a Defense

It is not 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 that are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Permit Actions

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

G. Property Rights

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

H. 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.

I. Inspection and entry

The permittee shall allow the Department, or an authorized representative, including an authorized contractor acting as a representative of the Department, 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 time any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

J. Monitoring and Records

1. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for

continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

3. Records of monitoring information must include:
 - a. the date, exact place, and time of sampling or measurements;
 - b. the individual(s) who performed the sampling or measurements;
 - c. the date(s) analyses were performed;
 - d. the individual(s) who performed the analyses;
 - e. the analytical techniques or methods used; and,
 - f. the results of such analyses.
4. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136.

K. Falsification and Tampering

The act provides that any person who falsified, 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, imprisonment for not more than six months, or both.

L. Signatory requirement

All applications, reports or information submitted to the Department shall be signed and certified as required by ARM 17.30.1323.

M. Reporting Requirements

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

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

This permit is not transferable to any person except after notice to the Department. The Department may require modifications or revocation and resissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary or mandatory as required by ARM 17.30.1360 and the Act.

N. Twenty-four hour reporting

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

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

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

- a) Any unanticipated bypass that exceeds any effluent limitation in the permit;
- b) Any upset that exceeds any effluent limitation in the permit; and,
- c) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in this permit to be reported within 24 hours [see 40 CFR 122.44(g)].

The Department 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. Written reports shall be submitted to the following address:

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

O. Other Noncompliance

The permittee shall report all instance of noncompliance not reported under other sections of this permit, at the time of monitoring reports are submitted. The reports shall contain the information listed above for written submissions under “Twenty-four Hour Reporting.”

P. Other Information

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

Q. Bypass

1. Bypass Not Exceeding Limitations

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

2. Notice

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

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

3. Prohibition of Bypass

Bypass is prohibited and the Department may take enforcement action against a permittee for a bypass, unless:

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

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

R. Upset

1. Effect of an upset

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

2. Conditions Necessary for a Demonstration of Upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

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

S. Monitoring Reports

Monitoring results shall be reported at the intervals specified elsewhere in this permit and is subject to the following additional requirements: monitoring results shall be reported at the intervals specified elsewhere in this permit.

Monitoring results must be reported either electronically or on a paper Discharge Monitoring Reports (DMR) form. If the permittee monitors any pollutant more frequently than required by this permit using test procedures approved under 40 CFR Part 136 or by another method required for an industry-specified waste stream under 40 CFR 503.8 or subchapter N, the results of such monitoring must be included in the calculation and reporting of the data submitted in the DMR; and calculations for all limitations that required averaging of measurements must use an arithmetic means unless otherwise specified by the Department in the permit.

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

T. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any compliance schedule of this permit shall be submitted not later than 14 days following each schedule date.

U. 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:

1. Impose an additional fee assessment computed at the rates established under ARM 17.30.210; 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.

IV. DEFINITIONS

1. "**Department**" means the Montana Department of Environmental Quality (MDEQ).
2. A "**grab**" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
3. An "**instantaneous**" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
4. A "**mixing zone**" means a limited area of a surface water body or aquifer where initial dilution of a discharge takes place and where water quality changes may occur. Also recognized as an area where certain water quality standards may be exceeded.
5. "**Non-degradation**" means the prevention of a significant change in water quality that lowers the quality of high-quality water for one or more parameters. Also, the prohibition of any increase in discharge that exceeds the limits established under or determined from a permit or approval issued by the Department prior to April 29, 1993.
6. The term "**process generated wastewater**" means any wastewater used in the slurry transport of mined material, air emissions control, or processing exclusive of mining. The term shall also include any other water which becomes commingled with such waste water in a pit, pond, lagoon, mine, or other facility used for treatment of such wastewater.
7. The "**receiving stream**" means the river, stream, or creek, which receives the wastewater discharge from the construction activity.
8. A "**visual observation**" means an examination of the discharge for the presence of hydrocarbons, sheen, odor or other sign.