

**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 in accordance with effluent limitations, monitoring requirements, and other conditions set forth herein.

This Permit shall become effective April 1, 2022.

This Permit and the authorization to discharge shall expire at midnight, March 31, 2027.

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY

|S| Jon Kenning

Jon Kenning, Chief
Water Protection Bureau

Issuance Date: February 14, 2022

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I. COVERAGE UNDER THIS GENERAL PERMIT

Montana Pollutant Discharge Elimination System (MPDES) General Permit MTR040000 is a fifth generation Comprehensive General Permit for storm water discharges associated with Small Municipal Separate Storm Sewer Systems (MS4s).

A. Coverage Area of Permitted MS4s

This permit covers areas that are served by, or contribute to, municipal separate storm sewers that discharge to state waters as follows:

1. Traditional MS4s

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

2. Non-Traditional MS4s

For all other permitted MS4s as identified in accordance with ARM 17.30.1102(23)(d), the geographic areas of permit coverage are the portion of the permittee's jurisdiction that is within the permitted Traditional MS4.

B. Eligibility for Coverage

Regulated Small MS4s are required to apply for, and obtain, authorization for discharge of storm water into state waters. This General Permit does not authorize or supersede permitting requirements for storm water discharges associated with industrial or construction activity, or discharges covered under another MPDES permit. This General Permit does not relieve the permittee from any other statute, regulation, permit, or other regulatory requirements for activities occurring within their area, not associated with permitted storm water discharges from Small MS4s.

C. Ineligibility for Coverage

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

1. The discharge is unable to comply with:
 - a. Effluent limits or other terms and conditions of the permit, including those listed in the Special Conditions;
 - b. Water quality standards; or
 - c. Discharges that the regional administrator has objected to in writing.
2. The discharge is different in degree or nature than those reasonably expected from sources or activities described in this General Permit.
3. The same operation has previously been denied or revoked an MPDES permit or authorization.
4. The discharge is also included within an application, or is subject to review under, the Major Facility Siting Act.
5. The point source is, or will be, located in an area of unique ecological or recreational significance based upon:
 - a. Montana stream classifications;
 - b. Impacts on fishery resources;
 - c. Local conditions at proposed discharge sites; and

- d. Areas designated wilderness or wild and scenic rivers.
6. The discharge is from process wastewater regulated by federal effluent limit guidelines or new source performance standards. Process wastewater is defined as any water, which during manufacturing or processing, comes into direct contact with, or results from the production or use of, any raw material, intermediate product, finished product, byproduct, or waste product.
7. Any additional requirements DEQ determines are necessary to carry out the provisions of 75-5-101, et seq., MCA.

DEQ may require any authorized Small MS4 to obtain an individual permit instead, citing one or more of the following reasons:

1. 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.
2. DEQ has determined the Small MS4 is a significant contributor of pollution.
3. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the Small MS4.
4. The discharger is not in compliance with the conditions of this General Permit.
5. Circumstances have changed since the time of request for coverage so that the Small MS4 is no longer appropriately controlled under the General Permit.
6. Effluent limitations guidelines (ELGs) have been promulgated for facilities covered under this General Permit.
7. A change has occurred in any condition that requires either a temporary or permanent reduction or elimination of the discharge authorized under this General Permit.

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

D. Requirements for Authorization

Owners or operators of Small MS4s must apply for coverage under a MPDES General Permit by completing a Notice of Intent (NOI) application package. A complete NOI application package includes an NOI form (provided by DEQ), applicable fees (specified in ARM 17.30.201), and any additional items listed in 1-3, below. The package shall be completed and submitted to:

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

If there are deficiencies with the NOI application package, DEQ may deny authorization under this permit or contact the MS4 for additional information necessary to meet requirements. If the request for coverage is denied, the applicant may withdraw the request or modify the MS4's operations to meet the conditions of this permit and re-apply. If the permittee is denied authorization and the NOI application package is not withdrawn or modified, DEQ shall proceed to process the application through individual MPDES permit requirements. DEQ will contact the applicant regarding ineligibility and request more information, as needed.

Small MS4s eligible for coverage will be issued a letter of authorization confirming coverage under this 2022 General Permit. Submittal of the NOI application package and receipt of an authorization letter does not eliminate a permittee's obligation to obtain other necessary permits,

including MS4-related activities that utilize the storm sewer system as a conveyance for non-storm water discharges.

Permittees may apply as co-permittees. Co-permittee authorizations are when multiple Small MS4s apply for coverage under a single permit authorization number. They shall be jointly responsible for compliance under the General Permit. Each co-permittee must submit a separate application package to obtain authorization.

1. New Applicants

New MS4s must submit a complete NOI package within 180 days of designation including:

- A completed *Storm Water Discharge Associated with MS4s Notice of Intent Application Form* (NOI-04);
- Applicable application fees; and
- A copy of the storm sewer map(s) extending one mile beyond MS4 boundaries submitted electronically via GIS shapefiles, hard copy PDFs, or reference to available online maps.

Based on the status of the newly designated MS4's storm water program, DEQ will provide a compliance schedule regarding the comprehensive requirements in this General Permit. At a minimum, an unregulated MS4 seeking coverage that has not been previously authorized will be required to:

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

2. Continued Coverage

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

- A completed *Storm Water Discharge Associated with MS4s Notice of Intent Application Form* (NOI-04);
- Applicable renewal fees;
- A copy of the storm sewer map(s) extending one mile beyond MS4 boundaries submitted electronically via GIS shapefiles, hard copy PDFs, or reference to available online maps; and
- A link to the MS4s current storm water website and the most current version of the Storm Water Management Program.

II. EFFLUENT LIMITS AND MONITORING REQUIREMENTS

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

A. Storm Water Management Program

The permittee must develop, document, maintain and implement a SWMP which includes management practices, control techniques, system designs, good standard engineering practices, and such other provisions necessary to reduce the discharge of pollutants from the permitted Small MS4 to the MEP. This section describes the minimum required BMPs for implementation. DEQ requires BMPs that are selected, designed, installed, implemented, inspected, and maintained (or replaced based on inspections) in accordance with good engineering, hydrologic, and pollution control practices.

The permittee shall effectively manage a storm water program inclusive of the six minimum control measures (MCMs): 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. Permittees must retain documentation, specifications, and standard operating procedures used for BMP selection in accordance with the MCMs listed below.

The permittee shall effectively implement a storm water program inclusive of a storm water management team, comprised of persons responsible for implementation of the SWMP. During the entire permit term, all permittees must establish, document, and execute formalized mechanisms for regular communication (meetings, email updates, etc.) between storm water management team members to allow for exchange and submittal of information necessary to ensure permit compliance and timely reporting. The storm water management team shall be developed to include a primary SWMP coordinator, as well as an organizational chart which identifies the position(s) responsible for implementing each minimum measure. The team organization shall be reviewed annually, and any updates shall be submitted with annual reports (section II.E.1).

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

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

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

All permittees shall comply with the following MCMs and document any updates annually in a report submitted to the Department by March 1st of each year (see section II.E.1. *Annual Report and SWMP Updates*). Implementation of required BMPs shall be documented in the permittee's SWMP, including updates and rationale for decision making.

Minimum Measure	Required BMP
1. MCMs 1 and 2: Public Education, Outreach, Involvement, and Participation - Implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps the public can take to reduce pollutants in storm water runoff. - Implement a public involvement/participation program to involve key target audiences in the development and implementation of the SWMP that complies with state and local public notice requirements.	
a. Develop and continue to utilize the permittee's storm water website for public involvement.	i. Annually review and update a storm water website that, at a minimum, includes the following: - A copy of, or link to, this General Permit - A copy of the Notice of Intent application form submitted to DEQ including all supplemental information - Access to outreach strategy information and materials - Applicable outreach event information - Most current version of the SWMP and any supporting documents - At a minimum, five years of most recent annual reports submitted to DEQ - A mechanism for providing public input for the SWMP including contact information and directions for comments, questions, and complaints - Information regarding how to identify and report illicit discharges - Permittee requirements for construction activities and how to submit related complaints - The Notice of Intent application form and supplemental application information, the updated General Permit and a minimum of five years of annual reports must be posted on the website within 90 days of the effective dates of this General Permit. ii. Provide a minimum of one opportunity annually for the public to provide comments on the SWMP. Document all relevant input, responses, and SWMP modifications made as a result.
b. Determine key target audiences most appropriate for storm water education and outreach.	i. Based on the permittee's local knowledge of storm water pollutant generating activity within their MS4, document which business types and/or residential behaviors from the list below are common sources of pollutants, illicit discharges, spills, and/or dumping within the permitted MS4 boundaries. Select a minimum of four applicable key target audiences to address pollutant generating behavior through storm water education and outreach. Residential Behaviors: - Car Washing/Care - General Common Education - Hazardous Waste Disposal

	• Home Chemical Care • Lawn & Garden Care • Pet Waste Business Types: • Carpet Cleaning/Restoration Companies • Construction Industry • Gas Stations • Industrial Facilities & Operations • Landscapers • Mobile Cleaning/ Pressure Washing • Post Construction Facility Owners • Restaurant or Food Trucks Note: DEQ may approve or require additional key target audiences. ii. Review key target audiences annually and identify the pollutants associated with each.
c. Identify and develop outreach formats, distribution channels, and messages for each key target audience and associated storm water polluting behavior. Include approaches for involving the public in SWMP development and implementation.	i. For each key target audience, select a minimum of one outreach strategy listed below. At least two outreach strategies must be active. Passive Outreach Strategies: • Advertisements • Brochures/ Fliers • Business Specific Emails • Community Artwork/ Murals • Educational Signage • Informative Articles or Stories • Social Media • Sponsorship of Community Events • Targeted Door Hangers • Utility Bill Inserts • Vehicle Wraps Active Outreach Strategies: • Cleanup Days/ Events • Community Meetings/ Presentation • Community Storm Water Surveys

	• Form a Citizen Storm Water Advisory Panel • Host AmeriCorps Member • Industry Specific Training • Participation in Community Events • Pet Waste Stations • Public Tours • Public Workshops • Rain Garden Adoption/ Building Program • Storm Drain Adoption Program • Student Outreach/ Class Work • Water Quality Monitoring with Citizen Volunteers Note: DEQ may approve or require additional outreach strategies. ii. Each year, the permittee must implement at least four activities. The activities can be the same or different from year to year. For each key target audience, identify the outreach strategies and planned timeframe for implementation for the upcoming year and include this information in the annual report.
d. Distribute and/or perform outreach to target audiences and track performance/ public involvement.	i. Implement the identified outreach strategies (from Part II.A.1.c.i., above) for each key target audience. ii. For each key target audience and their associated outreach strategy, document participation and feedback using one or more of the performance tracking methods listed below: Performance Tracking Methods: • Community Surveys • Illicit Discharge Events • Percent of Population Reached • Performance Audits • Total Distribution • Total Event Participants • Total Weight Collected • Website Analytics Note: DEQ may approve or require additional performance tracking methods. iii. Maintain records on selected key target audiences, outreach strategies, and performance tracking methods. Use the resulting information and/or measurements to direct education and outreach resources most effectively and document modifications in the SWMP.

Minimum Measure	Required BMP
2. MCM 3: Illicit Discharge Detection and Elimination • Develop, implement, and enforce a program to detect and eliminate illicit discharges into the small MS4. • Develop and annually update a storm sewer system map showing the location of all outfalls and the names/locations of all receiving waters. • Through ordinance or other regulatory mechanism to the extent allowable under state or local law, effectively prohibit non-storm water discharges into the MS4 and implement appropriate enforcement procedures and actions. • Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the MS4. • Inform employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.	i. Determine which potential non-storm water discharges or flows to the Small MS4, including but not limited to a consideration of those listed below, are significant contributors of pollutants. Non-Storm Water Discharges or Flows: • Water Line Flushing • Landscape Irrigation • Diverted Stream Flows • Rising Ground water • Uncontaminated Ground water Infiltration • 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 • Street Wash Water Note: Discharges or flows from firefighting activities are excluded from the effective prohibition against non-storm water and only need to be addressed where they are identified as significant sources of pollutants to surface waters.

	ii. In the SWMP, document and update annually: • A list of potential non-storm water discharges the permittee has identified as significant contributors of pollutants (i.e., illicit discharges). Include the pollutants associated with each illicit discharge, and any local controls or conditions placed on these discharges. • A list of potential non-storm water discharges the permittee has determined as non-significant contributors of pollutants (i.e., occasional incidental discharges) and will not be addressed as illicit discharges, based on the information available to the permittee. Include the pollutants associated with each type of discharge and any local controls or conditions placed on these discharges.
b. Inventory storm water sewer infrastructure to track illicit discharges, contain spills, and determine high priority areas.	i. Annually review and update a map of the MS4's storm drainage system to accommodate the provisions of a comprehensive Illicit Discharge Detection and Elimination (IDDE) program and SWMP including, but not limited to, the following: • Outfall locations • Inlets • Open channels • Subsurface conduits/pipes • Dry wells (discharges to ground water directly) • Manholes • Other similar discrete conveyances • Surface waters that receive discharges from outfalls ii. Using inspection and screening results, storm sewer maps, and other appropriate data, list, label, or highlight determined high priority outfalls. When determining high priority outfalls, permittees must consider, at a minimum, the following: • Industrial areas • Areas with previous illicit discharges • Known illegal dumping areas • Oldest portions of storm sewer infrastructure • Areas with onsite sewage disposal systems • Areas discharging to an impaired water body The permittee must identify a minimum number of high priority outfalls not equaling zero, based on the knowledge of potential illicit discharges in their MS4. High priority outfalls shall be reviewed and updated annually. iii. Update the map annually and make available for review by the Department upon request.

c. Develop/update an Illicit Discharge Investigation and Corrective Action Plan to consistently and effectively investigate suspected illicit discharges and connections and track subsequent compliance actions.	i. Maintain and annually update an Illicit Discharge Investigation and Corrective Action Plan. The plan should describe the processes that will be used to locate the source of an illicit discharge and refer to the permittee's Enforcement Response Plan (in Part II.A.2.d.i, below) for execution of appropriate enforcement actions. At a minimum, this plan shall include processes to: • Investigate a suspected illicit discharge within seven calendar days. Document circumstances that prevent this timeframe. • Prioritize illicit discharges suspected of being sanitary sewage and/or significantly contaminated for investigation first. • Confirmed illicit discharges must be eliminated within a timeframe of six months from the date of discovery. Where applicable, document circumstances that prevent this timeframe. • Notify Montana DEQ and appropriate agencies of illicit discharges believed to be an immediate threat to human health or the environment. • Document that a good faith effort was made to find the source of the illicit discharge and document each phase of the investigation in a case file. • Resolve and document the conclusion of all investigations. The outfall where any illicit discharge is detected shall continue to be considered high priority and should be investigated as required in this permit. If further investigation and corrective action results show the incident was isolated, with no indication of habitual illicit discharge, the outfall may be removed from the high priority list during annual review, as required in section II.A.2.b.ii., above. ii. Implement the Illicit Discharge Investigation and Corrective Action Plan. When an illicit discharge is identified, the permittee must cease, or require the cessation of, the discharge within a timeframe of six months. After the illicit discharge has been eliminated, the permittee must also minimize surface contamination by removing, or requiring the removal of, surface residue or other types of pollutant sources. iii. Maintain documentation which describes investigations conducted and corrective actions taken per the Illicit Discharge Investigation and Corrective Action Plan. Submit a summary with each annual report.
d. Through ordinance or other regulatory mechanism to the extent allowable under state or local law, effectively prohibit discharge of non-storm water into the regulated storm sewer system and implement	i. Maintain, update, and implement a formal Enforcement Response Plan (ERP) for illicit discharges. At a minimum, the ERP must describe or identify the following: • Legal authority (through ordinance, formal policies, or memoranda of understanding) to eliminate and abate illicit discharges • Staff with enforcement authority • Enforcement actions available • An enforcement escalation process • A schedule utilized to quickly and consistently eliminate the source of the discharge, abate any

appropriate enforcement procedures and actions.	damages, and reduce the chance of reoccurrence. To the extent allowable under local and state law, the ERP must include informal, formal, and judicial responses, such as the following: Informal: • Telephone Notification • Verbal/Written Notice • Meetings Formal: • Administrative Order • Compliance Schedule • Order to Show Cause • Monetary Penalty (administrative) • Suspended Service • Notice of Violation (NOV) Judicial: • Injunctive Relief • Consent Decree • Civil Penalties • Criminal Penalties ii. Permittees with legal authority must adopt an ordinance or other regulatory mechanism to prohibit illicit discharges, which shall include a provision prohibiting any occasional incidental non-storm water discharge event. Review the ordinance or regulatory mechanism once per permit cycle and update as needed. Permittees without legal authority to enact an ordinance or other regulatory mechanism to prohibit illicit discharges must develop and implement written policies and procedures to exert authority (to the extent allowable) over MS4 users, such as employees, the traveling public, contractors, etc... Review these written policies and procedures once per permit cycle and update as needed. iii. Solicit assistance from neighboring MS4s, as necessary, to detect and eliminate illicit discharges that may originate within the neighboring MS4 and formalize in cooperative agreements (i.e. memoranda of understanding). Agreements shall specify investigation and enforcement responsibilities and shall be described in each permittee's ERP and Illicit Discharge Investigation and Corrective Action Plan. Formalize cooperative agreements with all neighboring MS4s, as necessary, to implement the IDDE program.
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e. Inspect all outfalls during dry weather to detect illicit discharges and connections into the MS4.	i. Inspect and screen all the permittee's outfalls during dry weather using the outfall field screening protocol developed by the <i>Center for Watershed Protection</i>, or an equivalent process. Using the protocol, if illicit discharge potential is determined, the permittee shall use the procedures identified above for tracing and removing an illicit discharge. This process shall be completed by the end of the permit cycle. ii. Inspect and screen identified high priority outfalls (from II.A.2.b.ii, above) during dry weather a minimum of once per year and submit a summary of screening results with each annual report.
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Minimum Measure	Required BMP
3. MCM 4: Construction Site Storm Water Management • Develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre, including activities that are part of a larger common plan of development or sale that would disturb one acre or more. • Develop and implement, at a minimum, the following: ○ An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under state and local law; ○ Requirements for site operators to implement appropriate erosion and sediment control BMPs, and to control waste; ○ Procedures for site plan reviews that incorporate consideration of potential water quality impacts; ○ Procedures for receipt and consideration of information submitted by the public; and ○ Procedures for site inspection and enforcement control measures.	
a. Require that all regulated construction projects within the Small MS4 submit a construction storm water management plan (site plan) prior to construction. The plan shall be consistent with state and local requirements and incorporate consideration of potential water quality impacts including storm water pollution prevention through appropriate erosion, sediment, and waste control BMPs. A storm water pollution prevention plan	i. Traditional MS4s: Update and implement a construction storm water management plan review checklist that documents, at a minimum, the requirements described in the Technology-Based Effluent Limitations of the most current MPDES Storm Water Construction GP for all regulated construction projects. The checklist shall be used to ensure consistent review of submitted plans and to determine and document compliance with state and local requirements. Non-traditional MS4s: Update and implement a construction storm water management plan review checklist that documents, at a minimum, the requirements described in the Technology-Based Effluent Limitations of the most current MPDES Storm Water Construction GP for all permittee-owned/operated project site plans. The permittee may modify the plan review checklist based on the maximum extent of contractual agreements with documentation. The checklist shall be used to ensure consistent review of submitted plans and to determine and document compliance with state and local requirements.

(SWPPP) developed pursuant to the MPDES General Permit, MTR100000 for Storm Water Discharges Associated with Construction Activity (MPDES Storm Water Construction GP), may substitute for this site plan.	
b. Ensure that all construction storm water management controls are installed, operated, and maintained to function as designed.	i. Traditional MS4s: Update and implement a site inspection form or checklist to complete consistent and thorough regulated project inspections for all regulated construction projects. The checklist shall include, at a minimum, the requirements described in the Technology-Based Effluent Limitations of the most current MPDES Storm Water Construction GP. Non-traditional MS4s: Update and implement a site inspection form or checklist to complete consistent and thorough regulated project inspections for all permittee-owned/operated project sites. The checklist shall include, at a minimum, the requirements described in the Technology-Based Effluent Limitations of the most current MPDES Storm Water Construction GP. The permittee may modify the plan review checklist based on the maximum extent of contractual agreements with documentation. ii. Maintain a regulated project inventory to include, at minimum, the following: • If the project is covered under the most current MPDES Storm Water Construction GP and if so, the associated authorization number • The location, size, and topography of the site • The proximity of the site to waterbodies for each project iii. Utilize a protocol to determine the priority and minimum routine inspection frequency of construction storm water management controls. Priority is to be determined using, at a minimum, the following criteria: • Project size • Proximity to a water body • Steepness of the project site slopes • Discharge to waterbodies impaired for pollutants expected from construction projects • Past record of non-compliance by the operator of the construction site

	The protocol shall establish the following minimum routine inspection frequency for all determined high priority projects: • Once at commencement of construction after BMPs have been implemented • Once within 48 hours after each rain event of 0.25 inches or greater • Once within 48 hours after each occurrence of runoff from snowmelt due to thawing conditions that cause visible surface erosion at the site • Once at the conclusion of the project prior to finalization (i.e. release of bond, issuance of certificate of occupancy, etc.) In addition, the protocol shall include recidivism reduction and corrective measures at non-compliant sites, such as processes for: • Additional on-site visits; • Increased inspection frequency; • Written notice of violations; • Stop work orders; and • Advancement to enforcement via the ERP process, as discussed below in II.A.3.c.iii. iv. The permittee must annually identify and inspect a minimum number of projects not equaling zero. Conduct and document inspections using the inspection form and determined routine inspection frequency protocol. If a routine inspection identifies non-compliance, or a failure to implement appropriate control measures that cannot be corrected at the time of initial inspection, the permittee must verify and confirm issues have been corrected within 14 days of documentation of non-compliance. If the illicit discharge has not ceased after 14 days, or control measures are still inadequate, the permittee must advance the non-compliant site through the established ERP process (II.A.3.c.iii).
c. Through ordinance or other regulatory mechanism to the extent allowable under state and local law, effectively require controls of construction-related pollutants (such as sediment and erosion) on regulated construction projects	i. Traditional MS4s: Adopt and implement an ordinance or other mechanism to require construction storm water controls on private and permittee-owned regulated projects. At a minimum, the regulatory mechanism must: • Require the construction storm water management minimum standards (described as Technology-Based Effluent Limitations in the most current MPDES Storm Water Construction GP) to be implemented on all regulated construction projects. • Provide the permittee the authority to inspect privately-owned construction storm water management controls. ii. Non-traditional MS4s: At a minimum, adopt and implement formal policies or other mechanisms to the extent allowable (such as contractual requirements applicable to contractors performing construction work) on permittee-owned/operated projects. The permittee must consider and document private development

and implement appropriate enforcement procedures/actions.	projects regardless of legal authority. At a minimum, the regulatory mechanism must require the construction storm water management minimum standards (described as Non-Numeric Technology-Based Effluent Limits in the most current MPDES Storm Water Construction GP) to be implemented on all regulated construction projects. iii. The Enforcement Response Plan (ERP) developed in II.A.2.d.i. shall be implemented and maintained to ensure compliance with construction storm water management regulatory mechanisms on regulated projects including private property. The ERP must include informal, formal, and judicial responses (as listed in II.A.2.d.i.). Additionally, the ERP shall include sanctions and enforcement mechanisms to achieve compliance and must describe or identify, at a minimum, the following: • How the permittee will eliminate and abate illegal construction discharges • Staff with enforcement authority • Enforcement actions available • Enforcement escalation processes including a schedule to quickly and consistently eliminate the source of the discharge • How the permittee will facilitate abatement of the damages and reduce the chance of reoccurrence In addition, the ERP must also include non-monetary construction project-specific penalties such as stop work orders, bonding requirements, and/or permit denials for non-compliance. Review the written ERP once per permit cycle and document updates in the SWMP, as needed.
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Minimum Measure	Required BMP
4. MCM 5: Post-Construction Site Storm Water Management • 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. Ensure that controls are in place to prevent or minimize water quality impacts. • Develop and implement strategies that include a combination of structural and non-structural BMPs appropriate for the community. • Develop and implement an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state or local law. • Ensure adequate long-term operation and maintenance of post-construction BMPs.	i. Traditional MS4s: Update and implement a plan review checklist to ensure consistent review of submitted plans and to determine and document compliance with state and local post-construction requirements. Non-traditional MS4s: Update and implement a plan review checklist to ensure consistent review of plans for permittee-owned/operated projects and to determine and document compliance with state and local post-construction requirements. The permittee may modify the plan review checklist based on the maximum extent of contractual agreements with documentation. ii. 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 (runoff reduction requirement). For projects that cannot meet 100% of the runoff reduction requirement, the remainder of the runoff from the first 0.5 inches of rainfall must be either: • Treated onsite using post-construction storm water management controls expected to remove 80 percent total suspended solids (TSS); • Managed offsite within the same sub-watershed using post-construction storm water management controls that are designed to infiltrate, evapotranspire, and/or capture for reuse; or • Treated offsite within the same sub-watershed using post-construction storm water management controls expected to remove 80 percent total suspended solids (TSS) Permittees allowing offsite treatment shall do the following: • Develop and apply criteria for determining the circumstances under which offsite treatment may be allowed. The criteria must be based on multiple factors, including but not limited to technical or logistic infeasibility, such as: • Lack of available space • High ground water

	• Ground water contamination • Poorly infiltrating soils • Shallow bedrock • Prohibitive costs • A land use that is inconsistent with capture and reuse or infiltration of 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 available onsite options have been evaluated and documented through the permittee's developed formal review and approval process. • Maintain an inventory of regulated projects which utilize offsite treatment for post-construction storm water runoff. The inventory must include the following information for each approved project: • Geographic location of the project • Location of offsite treatment • Documentation of the rationale for approval of offsite treatment
b. Ensure that all post-construction storm water management controls are installed, operated, and maintained to function as designed.	Traditional MS4s: Update and implement an inspection form or checklist to ensure consistent and thorough inspections of post-construction storm water management controls. Non-traditional MS4s: Update 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. - Maintain an inventory (including at a minimum, a description and location) of all new permittee-owned and private post-construction storm water management controls installed since the effective date of this permit. Traditional MS4s: Maintain 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 installed prior to the effective date of this permit. Non-traditional MS4s: Maintain an inventory (including a description and location) of all existing permittee-owned post-construction storm water management controls. - Utilize a protocol to determine the priority and minimum routine inspection frequency of post-construction storm water management controls. Priority must be determined based on potential water quality impacts using specific criteria, which at a minimum shall include: • Operation and maintenance needs of the practices • Proximity to water body

	• Drainage area treated • Land use type • Location within an impaired waterbody watershed The permittee must annually identify a minimum number of projects for inspection not equaling zero. v. Inspect all permittee-owned high priority post-construction storm water management controls annually and document findings and resulting compliance actions. vi. Traditional MS4s: Develop a program to either conduct inspections of private high priority post-construction storm water management controls, or to require self-inspection and reporting by owners. Inspect or have inspected all high priority privately-owned post-construction storm water management controls annually. Document findings and resulting compliance actions.
c. To the extent allowable under state or local law, effectively require, through ordinance, or other regulatory mechanism, post-construction storm water management controls on regulated projects and implement appropriate enforcement procedures and actions.	Traditional MS4s: Adopt and implement an ordinance or other regulatory mechanism to require post-construction storm water management controls on regulated projects that, at a minimum, include the performance standard described in Part II.A.4.a.ii, above. Review the ordinance or regulatory mechanism once per permit cycle and update as needed. Non-traditional MS4s: At a minimum, adopt and implement formal policies or other mechanisms to the extent allowable (such as contractual requirements applicable to contractors performing construction work) requiring post-construction storm water controls on permittee-owned/operated projects. The permittee must consider and document private development projects regardless of legal authority. Review these written policies and procedures once per permit cycle and update as needed. iv. The ERP developed in II.A.2.d.i. shall be implemented and maintained 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 (as listed in II.A.2.d.i.). Additionally, at a minimum, the ERP must describe or identify the following: • Legal authority to require inspection and maintenance of post-construction storm water management controls • Staff with enforcement authority • Enforcement actions available • An enforcement escalation processes • A schedule to be utilized to quickly and consistently enforce compliance with post-construction requirements.

d. Incorporate recommendations and requirements into plans, policies, and ordinances which allow and support the utilization of LID (low impact development) concepts and green infrastructure on public and private property.	i. Assess and document existing ordinances, policies, programs, and studies to identify whether the following LID concepts (both structural and non-structural BMPs) have been implemented to promote protection of storm water runoff quality associated with new and redevelopment projects: • Directing growth to identified areas • Protecting sensitive areas such as wetlands and riparian areas • Maintaining and/or increasing open space • Providing buffers along sensitive water bodies • Minimizing impervious surfaces • Minimizing disturbance of soils and vegetation ii. By the end of the third year of the permit cycle, develop and submit a plan outlining any needed modifications to relevant codes, ordinances, policies, and programs to implement LID/green infrastructure concepts. The plan shall include, but is not limited to, the preventative actions identified above that have not yet been implemented and proposed timelines for any needed code, ordinance, policy or programmatic updates. If modifications to codes, ordinances, policies, or programs are not needed, submit a plan/overview of any work scheduled or completed to implement LID/green infrastructure concepts, such as those listed above.
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Minimum Measure	Required BMP
5. MCM 6: Pollution Prevention and Good Housekeeping Develop and implement an operation and maintenance program that includes a training component and has the goal of preventing or reducing pollutant runoff from municipal operations. The program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.	i. Maintain a written inventory of permittee-owned/ operated facilities and activities that have the potential to contribute contaminants to the MS4. The inventory should include, at a minimum, the following: Facilities: • Maintenance and storage yards • Waste handling and disposal areas • Vehicle fleet or maintenance shops with outdoor storage areas • Salt/sand storage locations • Snow or dredge material disposal areas operated by the permittee Activities: • Park and open space maintenance • Parking lot maintenance • Building maintenance • Road maintenance/deicing • Storm water system maintenance including catch basin cleaning Organize facilities/activities into labeled categories and list the possible contaminants from each. List the local department(s) and position(s) responsible for pollution prevention of each facility/activity. Update the inventory annually. ii. For each category established, maintain written standard operating procedures (SOPs) aimed at preventing or reducing pollutant contributions from municipal operations. Each SOP must contain, at a minimum, the following: • Identified storm water pollution controls (structural and non-structural controls, and operation improvements) installed, implemented, and/or maintained to minimize the discharge of contaminants. • Inspection procedures for facilities and their structural storm water controls, which at a minimum must include: ○ An annual visual inspection of each applicable facility. ○ A verification that the written facility procedures, documentation, and site map are current.

	○ Visual observation of locations and areas where storm water from facilities is discharged off-site, to state waters, or to a storm sewer system that drains to state waters. ○ Visual observation of facility conditions, including pollutant sources and control measures, to identify control measures that are inadequate or needing maintenance. All inadequate control measures shall be modified or replaced as soon as possible, but no later than six months from visual inspection. If a control measure cannot be modified or replaced within the six-month timeframe due to infeasibility (such as financial burden or time commitment of capital improvement projects), the permittee will provide a written explanation and a schedule for improvement with the following year's annual report. Document facility inspections and communication with relevant department personnel regarding inadequate control measures. Evaluate/update each SOP at least once over the term of this permit and submit any updates to SOPs with the annual report. iii. Maintain a map that identifies the locations of facilities and activities identified. Update the map annually. iv. Conduct storm water pollution prevention training in compliance with section II.B. (below) for all permittee staff directly involved with implementing SOPs. Retain records of completed trainings and attendance.
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B. Training

The permittee is required to conduct and/or coordinate, at a minimum, the following trainings and document applicable personnel participation. All new hires that fall into the categories below (section II.B.1-4) with potential to impact storm water pollutant contributions must receive the equivalent amount of the following training within 90 days of their hire date.

1. Storm Water Management Team

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

2. Construction Site Personnel

At a minimum of once during the permit term, conduct Construction Site Storm Water Pollution Prevention Plan (SWPPP) training for personnel, including inspectors and plan reviewers, responsible for the implementation of the Construction Site Storm Water Management Minimum Measure (MCM 4). Training shall include, at a minimum, inspection protocol and implementation of the MS4's ERP.

3. Post-Construction Site Personnel

At a minimum of once during the permit term, conduct plan review and stormwater facility inspection training for all personnel responsible for the implementation of the Post-Construction Site Storm Water Management Minimum Measure (MCM 5). Inspector training shall include, at a minimum, inspection protocol and implementation of the MS4's ERP.

4. Field and Facility Personnel

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

- An overview of this permit and the requirements contained herein.
- Potential storm water impacts.
- The detection and elimination of illicit discharges.
- BMPs necessary to minimize discharges of pollutants during permittee activities or the operation of permittee-owned facilities.
- Any SOP updates completed as a result of the required work under MCM 6.

C. Monitoring Requirements

1. Storm Event Monitoring

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

Table 1. Self-Monitoring and Reporting Requirements			
Parameter	Units	Frequency	Type ⁽¹⁾
Estimated Flow	gpm	Semi-annual ⁽³⁾	Instantaneous ⁽²⁾
pH	s.u.		Instantaneous
Chemical Oxygen Demand (COD)	mg/L		Grab or Composite
Total Suspended Solids (TSS)	mg/L		Grab or Composite
Total Phosphorus	mg/L		Grab or Composite
Total Nitrogen	mg/L		Grab or Composite
Oil and Grease ⁽⁴⁾	mg/L		Grab
Copper, Total Recoverable	µg/L		Grab or Composite
Lead, Total Recoverable	µg/L		Grab or Composite
Zinc, Total Recoverable	µg/L		Grab or Composite
⁽¹⁾ See definition section at the end of this permit for explanation of terms.			
⁽²⁾ Estimated flow rates are appropriate in cases where measurement gauges are not installed.			
⁽³⁾ Twice per year. One sample at each monitoring location must be taken between January 1 st and June 30 th of each permitted calendar year and the other sample between July 1 st and December 31 st .			
⁽⁴⁾ Hexanes extraction (EPA Method 1664A).			

a. Storm Event Monitoring Locations

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

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

b. Storm Event Monitoring Frequency

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

If a permittee is not able to dependably obtain a sample at the identified required sampling outfall during a six-month monitoring period, rationale must be recorded in the corresponding annual report (discussed in II.E.1., below) on why the collection of a sample was impracticable. The permittee must collect a substitute sample during the subsequent six-month monitoring period in addition to the required sample. The substitute and required six-month sample may be collected from back-to-back storm events when there has been at least 48 hours of no measurable precipitation in between events.

2. Impaired Waterbody Monitoring

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

a. Pre-Total Maximum Daily Load

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

b. Approved TMDL Wasteload Allocations (WLAs)

Appendix A of this 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. Permittees must comply with all MS4-related requirements associated with the TMDLs. The permittee shall include in its SWMP a section identifying the measures and BMPs it plans to implement to address TMDL MS4-related requirements. This section shall describe the MS4's impairment priorities and long-term strategy in making progress towards meeting the TMDL. The long-term strategy must outline interim milestones (i.e., a completion schedule for action items) for controlling the discharge of the pollutants of concern. Based on TMDL monitoring results (discussed below), this section must be evaluated by the end of the third year of the permit cycle, revised as needed, and resubmitted with the following annual report (March 1, 2025). Rationale shall be provided for any revisions.

TMDL-Related Monitoring

The permittee must supplement the Storm Event Monitoring Requirements in Part II.C. with additional monitoring targeted at further evaluating MS4 loading to impaired waterbodies and evaluating the effectiveness of BMPs, as outlined below. The permittee's SWMP must include a TMDL-related monitoring sampling plan. The sampling plan shall address monitoring for storm water-related pollutant(s) listed as a source of impairment specific to the receiving waterbody and be collected following procedures in 40 CFR Part 136. Additionally, the plan shall include strategy rationale, monitoring frequency, and monitoring locations as outlined below. The permittee must re-submit a sampling plan to the Department for review and approval by the first annual report (due March 1, 2023).

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

i. TMDL-Related Monitoring Locations

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

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

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

ii. TMDL-Related Monitoring Frequency

Sampling must be conducted at least semi-annually (two times per year) for each of the storm water-related pollutant(s) listed as a source of impairment specific to the receiving waterbody.

D. Recording Requirements

1. Monitoring Records

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

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

2. Retention of Records

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

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

E. Reporting and Evaluation of the SWMP

1. Annual Report and SWMP Updates

The permittee shall prepare and submit an annual report to DEQ for each calendar year within the General Permit term starting March 1, 2023. The permittee shall electronically submit the signed copy of the annual report form (supplied by DEQ), all required attachments, and any additional requested information to the Department by March 1st of each year for the preceding calendar year. Co-permittees 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.

If the permittee or co-permittee has made any updates, changes, or improvements to their Storm Water Management Program during the prior calendar year, an attachment to the annual report must provide a date and description of these updates. Updates to the storm sewer map(s) should also be submitted electronically via GIS shapefiles, PDFs, or reference to available online maps. Updates or revisions to submitted documents shall be retained onsite with the last revision date, and documents must be available upon request.

III. SPECIAL CONDITIONS

A. Sharing Responsibility

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

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

B. Qualifying Local Program

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

C. Ownership, Authority, or Responsibility for SWMP Implementation

The permittee must implement the SWMP on all new areas added to the permittee's portion of the Small MS4 (or for which the permittee becomes responsible for implementation of storm water quality controls) as expeditiously as possible. Within 90 days of transfer of ownership, operational authority, or responsibility for SWMP implementation, the permittee must have a plan for implementing the requirements of this General Permit on all newly added areas. The plan may include phases/schedules for implementation to allow for controls that cannot be implemented immediately. Information on all new annexed areas and any resulting updates to the SWMP must be included in the Annual Report.

D. Changes in Storm Water Coordinator

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

E. 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 and made available to Department inspectors upon request.

F. Twenty-four Hour Notice of Noncompliance or Illicit Discharge

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

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

Additionally, a written submission shall be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:

- A description of the noncompliance/illicit discharge and its cause/origin.
- The period of noncompliance/illicit discharge, including exact dates and times.
- The estimated time for correction if it has not been corrected already.

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) 444-5546. Reports shall be submitted to the following address: DEQ Water Protection Bureau, PO Box 200901, Helena, MT 59620.

IV. STANDARD CONDITIONS

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.

C. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The reapplication must be submitted at least 30 days before the expiration date of this permit.

D. 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.

E. 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.

F. Proper Operation and Maintenance

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

G. 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.

H. Property Rights

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

I. 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.

J. Inspection and Entry

Upon the presentation of credentials and other documents as may be required by law, the permittee shall allow the head of DEQ, the Regional Administrator, or any authorized representative, at reasonable times, to:

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

K. Availability of Reports

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

L. Penalties for Falsification and Tampering

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

M. Signatory Requirements

All applications, reports or information submitted to the Department or EPA shall be signed and certified. All permit notices of intent shall be signed by either a principal executive officer or ranking elected official. All reports required by the permit and other information requested by 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:

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

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

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

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

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

N. 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 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.

O. 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.

P. 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.

Q. Other Information

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

R. 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:

- Impose an additional assessment computed at the rate established under ARM 17.30.201: and,
- Suspend the processing of the application for a permit or authorization or, if the nonpayment involves an annual permit fee, suspend the permit, certificate or authorization for which the fee is required. 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.

S. Removed Substances

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

T. 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.

U. 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.

V. Reopener Provisions

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

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

W. 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.

V. DEFINITIONS

The following definitions and abbreviations apply to terms used in this permit:

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

"**BMPs**" is an acronym for "**Best Management Practices**" and 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.

"**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.

The "**Department**" and "**DEQ**" means the Montana Department of Environmental Quality.

"**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.

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

"**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.

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

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

"**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.

"**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 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.

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

"Municipal separate storm sewer" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that discharges to surface waters and is: (a) owned or operated by the state of Montana, a governmental subdivision of the state, a district, association, or other public body created by or pursuant to Montana law, including special districts such as sewer districts, flood control districts, drainage districts and similar entities, and designated and approved management agencies under section 208 of the federal Clean Water Act, which has jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, and is:

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

"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.

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

"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.

"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.

"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.

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

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

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

"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.

"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.

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

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

"Traditional MS4" means all cities and counties covered by this General Permit.

"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.

APPENDIX A: MS4-RELATED TMDLS WITH APPROVED WLAs

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

CITY OF HELENA

Name of TMDL: Framework Water Quality Restoration Plan and Total Maximum Daily Loads (TMDLs) for the Lake Helena Watershed Planning Area: Volume II – Final Report (August 2006); <http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/M09-TMDL-02a.pdf>

Pollutants of Concern: Total Phosphorus, Total Nitrogen, Total Suspended Solids

MS4 WLA: None specified

Assumptions and Actions: To meet the intent of the TMDL goals and future recommendations, Helena must follow their permit requirements, evaluate potential impacts to impaired receiving waters, and utilize monitoring to implement an adaptive management approach to minimize pollutant loads.

CITY OF GREAT FALLS

Name of TMDL: Water Quality Restoration Plan and Total Maximum Daily Loads for the Sun River Planning Area (December 2004); <http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/M13-TMDL-01a.pdf>

Pollutants of Concern: Total Phosphorus, Total Nitrogen, and Sediment

MS4 WLA: None specified

Assumptions and Actions: To meet the intent of the TMDL goals and future recommendations, Great Falls must follow their permit requirements, evaluate potential impacts to impaired receiving waters, and utilize monitoring to implement an adaptive management approach to minimize pollutant loads.

CITY OF BOZEMAN and MONTANA STATE UNIVERSITY-BOZEMAN

Name and Date of TMDL: Lower Gallatin Planning Area TMDLs & Framework Water Quality Improvement Plan (March 2013); <http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/M05-TMDL-02a.pdf>

Pollutants of Concern: Total Suspended Solids, Total Phosphorus, Total Nitrogen, and *E.coli*

MS4 WLAs: WLAs apply to all MS4s that were co-permittees at the time of TMDL development; therefore, WLAs are aggregated and not individually assigned to each MS4.

TSS – 137 tons/year for Bozeman Creek watershed and 3.4 tons/year for Bear Creek watershed based on a 37% reduction in sediment loads.

Nutrients – Since the storm water system should not be actively discharging during typical summer low flow conditions, both the existing load and WLA are defined as zero for Bozeman Creek, East Gallatin River, Bridger Creek, and Mandeville Creek.

***Escherichia coli* (E. coli)** – The MS4 will be assigned a WLA of zero in Bozeman Creek when the storm water system is not activated.

Assumptions and Actions: Percent reduction allocations and WLAs are not intended to add load limits to the permit. When the storm water system is activated, WLAs are met by adhering to the permit

requirements to minimize pollutant loads. Monitoring data should continue to be evaluated to assess BMP performance, help determine where additional BMPs may be necessary, and implement an adaptive management approach to minimize pollutant loads. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve WLAs for nutrients and *E.coli*.

BUTTE-SILVER BOW (BSB)

Name and Date of TMDL: Upper Clark Fork Phase 2 Sediment and Nutrients TMDLs and Framework Water Quality Improvement Plan (April 2014);

<http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C01-TMDL-04a.pdf>

Pollutants of Concern: Total Phosphorus, Total Nitrogen, Total Suspended Solids, Metals (Arsenic, Cadmium, Copper, Lead, Mercury, and Zinc)

MS4 WLAs:

TSS – 179 tons/year to Silver Bow Creek (a 76% reduction from the current estimated loads).

Nutrients – Zero lbs/day total nitrogen and total phosphorus in Silver Bow Creek when the storm water system is not activated.

Metals – The BSB MS4 and the Butte Area Superfund Site are presently addressed in Silver Bow Creek via a composite WLA (WLA_{Butte}) due to areas that overlap:

Arsenic: 2.38 lbs/day

Cadmium: 0.07 lbs/day

Copper: 2.85 lbs/day

Lead: 1.09 lbs/day

Mercury: 0.01 lbs/day

Zinc: 36.6 lbs/day

Assumptions and Actions: Percent reduction allocations and WLAs are not intended to add load limits to the permit. When the storm water system is activated, WLAs are met by adhering to the permit requirements to minimize pollutant loads. Additionally, the Superfund site has the goal of meeting water quality targets in Silver Bow Creek with direction from the CERCLA program. Monitoring data should continue to be evaluated to assess BMP performance, help determine where additional BMPs may be necessary, and implement an adaptive management approach to minimize pollutant loads. As required by the permit, an illicit discharge detection and elimination program is necessary to achieve the WLA for nutrients.

CITY OF KALISPELL

Name and Date of TMDL: Flathead-Stillwater Planning Area Nutrient, Sediment, and Temperature TMDLs and Water Quality Improvement Plan (December 2014) which references Flathead Lake Nutrient TMDL Document (Phase 1, 2002);

<http://deq.mt.gov/Portals/112/Water/WQPB/TMDL/PDF/FlatheadStillwater/C11-TMDL-02a.pdf>

Pollutants of Concern: Total Phosphorus, Total Nitrogen, Nitrate + Nitrite, Dissolved Oxygen, Sediment, Temperature

MS4 WLAs:

Phosphorus – 15 lbs/growing season for Middle Ashley Creek (44% reduction), 13 lbs/growing season for Spring Creek (44% reduction), and 54 lbs/growing season for Lower Ashley Creek (44% reduction).

Nitrogen – 292 lbs/growing season for Middle Ashley Creek (30% reduction), 269 lbs/growing season for Spring Creek (30% reduction), and 1030 lbs/growing season for Lower Ashley Creek (30% reduction).

Nitrate + Nitrite – Water quality improvements that address excess total nitrogen loading will also result in decreased Nitrate + Nitrite loading and concentrations.

Sediment – 15.4 tons/year for Middle Ashley Creek (62% reduction), 46.5 tons/year for Lower Ashley Creek (62% reduction), and 16.5 tons/year for Stillwater River (62% reduction).

Dissolved Oxygen and Temperature – None specified.

Assumptions and Actions: The Kalispell MS4 only sporadically discharges during the dry summer growing season. Percent reduction allocations and WLAs are not intended to add load limits to the permit. When the storm water system is activated, WLAs are met by adhering to the permit requirements to minimize pollutant loads. Water quality improvements addressed in Nutrient TMDLs will result in improved DO concentrations and discharge temperatures will be consistent with naturally occurring conditions by adhering to the permit requirements. Monitoring data should continue to be evaluated to assess BMP performance, help determine where additional BMPs may be necessary, and implement an adaptive management approach to minimize pollutant loads.

CITY OF MISSOULA and UNIVERSITY OF MONTANA- MISSOULA

Name and Date of TMDL: Silver Bow Creek and Clark Fork River Metals TMDLs (May 2014); <http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C01-TMDL-05a.pdf>, Bitterroot Watershed Total Maximum Daily Loads and Water Quality Improvement Plan (December 2014); <http://deq.mt.gov/Portals/112/Water/WQPB/TMDL/PDF/Bitterroot/C05-TMDL-04a.pdf>, Bitterroot Temperature and Tributary Sediment Total Maximum Daily Loads and Framework Water Quality Improvement Plan (August 2011); <http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/C05-TMDL-03a.pdf>, and Central Clark Fork Basin Tributaries TMDLs and Water Quality Improvement Plan (September 2014); <http://deq.mt.gov/Portals/112/Water/WQPB/CWAIC/TMDL/COL-TMDL-01a.pdf>

Pollutants of Concern: Total Nitrogen, Sediment, Metals (Arsenic, Cadmium, Copper, Lead, Iron, and Zinc)

MS4 WLAs:

Nutrients – Zero lbs/day for Grant Creek.

Sediment – 7.8 tons/year for Grant Creek (53% reduction).

Temperature – None specified.

Metals – 0.009 lbs/day of copper, 0.0045 lbs/day of lead, and 0.00004 lbs/day of zinc for the Clark Fork River (MT76M001_030, Blackfoot River to Rattlesnake Creek) (55% reduction).

1.1 lbs/day of copper and 0.51 lbs/day of lead for the Clark Fork River (MT76M001_020, Rattlesnake Creek to Fish Creek) (40% reduction).

0.08 lbs/day of lead for the Bitterroot River (54% reduction).

Assumptions and Actions: Percent reduction allocations and WLAs are not intended to add load limits to the permit. When the storm water system is activated, WLAs are met by adhering to the permit requirements to minimize pollutant loads. As required by the permit, an illicit discharge detection and

elimination program is necessary to achieve the WLA for nutrients. Monitoring data should continue to be evaluated to assess BMP performance, help determine where additional BMPs may be necessary, and implement an adaptive management approach to minimize pollutant loads. Missoula must follow their permit requirements, evaluate potential impacts to impaired receiving waters, and implement Low Impact Development practices to meet the intent of the TMDL goals and future recommendations.