

**MONTANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**

**GENERAL PERMIT
FOR
STORM WATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITY**

Permit No.: MTR100000

**AUTHORIZATION TO DISCHARGE UNDER THE
MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In compliance with Montana Water Quality Act, Title 75, Chapter 5, Montana Code Annotated (MCA) and the Federal Water Pollution Control Act (the "Clean Water Act"), 33 U.S.C. § 1251 *et seq.*, persons who submit a complete Notice of Intent (NOI) package as defined in Part I, except those excluded from coverage in Part I of this permit, are authorized to discharge storm water from a construction facility or activity in accordance with the limitations, monitoring requirements, and other provisions set forth herein.

A copy of this General Permit must be kept on site at all times.

This Permit shall become effective: **April 16, 2007.**

This Permit and the authorization to discharge shall expire at midnight, **December 31, 2011.**

FOR THE MONTANA DEPARTMENT
OF ENVIRONMENTAL QUALITY



Bonnie Lovelace, Chief
Water Protection Bureau
Permitting and Compliance Division

Issuance date: March 16, 2007

Permits

Project: MT PRA GLAC 10(27), Rehabilitate West Entrance Station

TABLE OF CONTENTS

PREAMBLE 3

PART I. COVERAGE UNDER THIS GENERAL PERMIT4

A. COVERAGE AREA.....4

B. SOURCES COVERED UNDER THIS GENERAL PERMIT4

C. SOURCES EXCLUDED FROM COVERAGE UNDER THIS GENERAL PERMIT4

D. SOURCES SEEKING COVERAGE UNDER THE GENERAL PERMIT AFTER JANUARY 1, 20075

E. SOURCES COVERED UNDER THE 2002 GENERAL PERMIT – CONTINUING COVERAGE6

F. MODIFICATION TO NOIS7

G. NOTICE OF TERMINATION7

H. FEES.....8

I. RESIDENTIAL (SINGLE FAMILY DWELLING) AUTHORIZATION9

PART II. EFFLUENT LIMITATIONS AND STANDARDS10

PART III. MONITORING AND REPORTING REQUIREMENTS.....11

A. MONITORING REQUIREMENTS.....11

B. REPORTING REQUIREMENTS12

C. RECORDS RETENTION13

PART IV. STORM WATER POLLUTION PREVENTION PLAN.....14

PART V. STANDARD CONDITIONS.....19

A. DUTY TO COMPLY.....19

B. DUTY TO REAPPLY.....19

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE19

D. DUTY TO MITIGATE19

E. PROPER OPERATION AND MAINTENANCE19

F. PERMIT ACTIONS19

G. PROPERTY RIGHTS20

H. DUTY TO PROVIDE INFORMATION20

I. INSPECTION AND ENTRY20

J. SIGNATORY AND CERTIFICATION REQUIREMENTS20

K. PLANNED CHANGES22

L. ANTICIPATED NONCOMPLIANCE22

M. PERMIT TRANSFERS22

N. COMPLIANCE SCHEDULES22

O. TWENTY-FOUR HOUR REPORTING22

P. OTHER NONCOMPLIANCE.....23

Q. OTHER INFORMATION23

R. BYPASS OF TREATMENT FACILITIES.....23

S. UPSET24

T. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS25

U. PENALTIES FOR FALSIFICATION OF REPORTS25

V. OIL AND HAZARDOUS SUBSTANCE LIABILITY25

W. SEVERABILITY25

X. REOPENER PROVISION.....25

PART VI. DEFINITIONS27

Permits

Project: MT PRA GLAC 10(27), Rehabilitate West Entrance Station

PREAMBLE

The purpose of this Preamble is to provide the construction project owner/operator who submits a Notice of Intent Package for a storm water discharge associated with construction activity under the *General Permit for Storm Water Discharges Associated with Construction Activity* (General Permit) with a summary of the requirements of this General Permit.

The basic principle of the General Permit is to identify areas or activities that may contribute pollutants to state surface waters and to consider practical Best Management Practices (BMPs) to reduce such pollutants from your construction project. The degree of pollution control necessary will vary depending on the site and the situation.

The major pollutant for construction sites will be sediment discharges from increased erosion. The discharge of "significant sediment" or other pollutants from the construction project to state surface water may cause a violation of this General Permit. Adequate erosion and sediment control measures must also be used to prevent sediment discharges to riparian areas, ephemeral streams, and drainages which only periodically contain state surface water.

Other pollutants likely to be a problem at construction sites are fuels, lubricating oils, construction materials, various wastes, fertilizers, or pesticides. Managing these materials properly is a primary factor in ensuring pollutants do not reach state surface waters through storm water runoff.

In order to help characterize the construction activity, potential sources of pollutants, and BMPs to help ensure pollutants do not reach state surface waters, the owner/operator is required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The basic requirements of the SWPPP are provided in Part IV of this General Permit.

The General Permit requires that the site reach "final stabilization" before permit coverage may be terminated. In Montana's semi-arid climate, the time necessary to achieve this "final stabilization" often requires General Permit coverage well beyond the conventional earthwork and facility construction phase to ensure vegetation or other site stabilization measures are in-place.

Coverage under this General Permit does not relieve the permittee from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

PART I. COVERAGE UNDER THIS GENERAL PERMIT**A. Coverage Area**

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

B. Sources Covered Under this General Permit

This General Permit covers all projects or activities which meet the definition of "storm water discharge associated with construction activity" as defined in Part VI of this permit. For determining whether coverage under this General Permit is required, the total land area of disturbance that is part of a larger common plan of development or sale must be used. Determination of the acreage of disturbance does not typically include disturbance for routine maintenance activities on existing roads where the line and grade of the road is not being altered, nor does it include the paving of existing roads.

The General Permit may also cover storm water discharges from support activities related to a construction site (e.g. concrete or asphalt batch plants, equipment staging yards, material storage areas, etc.). This is provided that:

1. The support activity is not a commercial operation serving multiple unrelated construction projects and does not operate beyond the completion of the construction activity.
2. Appropriate controls and measures are identified in the Storm Water Pollution Prevention Plan (SWPPP) for the discharge from the support activity.

C. Sources Excluded from Coverage Under this General Permit

1. The Department may deny authorization for discharge under the General Permit if the specific source filing for authorization appears unable to comply with:
 - a. Effluent limitations or other terms and conditions of the permit,
 - b. Water quality standards established pursuant to 75-5-301, MCA, and ARM Title 17, Chapter 30, Subchapters 5, 6, 7, and 10,
2. The following sources are excluded from coverage under the General Permit:

- a. Any discharge to which the Regional Administrator has objected to in writing,
- b. The facility or activity is subject to federal effluent limitation guidelines as adopted by the Montana Board of Environmental Review in ARM Title 17, Chapter 30, Subchapter 12,
- c. The storm water discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the MPDES General Permit,
- d. MPDES permit or authorization for the same operation has previously been denied or revoked,
- e. The discharge sought to be authorized under a MPDES General Permit is also included within an application or is subject to review under the Major Facility Siting Act, 75-20-101, *et seq.*, MCA, or,
- f. The point source is or will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301, MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.

D. Sources seeking coverage under the General Permit after January 1, 2007

Unless excluded from coverage in accordance with Paragraph C, owners or operators of construction activities or sites that may discharge storm water to state surface waters may obtain coverage under this General Permit by submitting a complete NOI package to the Department at the address given below.

1. The complete NOI Package consists of:
 - a. A completed NOI form using the standard NOI form provided by the Department and signed by the appropriate signatory based on the signatory requirements stated in Part V of this General Permit.
 - b. A separate SWPPP (document and related plans) which has been completed in accordance with the requirements identified in Part IV of this General Permit and signed by the owner/operator in accordance with the signatory requirements stated in Part V of this General Permit.

- c. The appropriate application (NOI) fee as required by ARM 17.30.201.

2. NOI Package Submittal

A signed and complete NOI form, a signed and complete SWPPP, and the required application (NOI) and annual fees must be submitted to the following address:

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

3. Department Processing of NOI Package

The Department will send a Confirmation Letter acknowledging the receipt of the complete Notice of Intent Package.

Incomplete or unsigned NOI submittals will be returned to the applicant and coverage under the General Permit is not effective until a complete package is received. The source is not authorized under the General Permit until a complete NOI package is received by the Department.

Receipt by the Department of the complete NOI Package constitutes a full agreement by the permittee to meet and comply with all requirements stated in this General Permit.

Coverage under the General Permit remains in effect until the permittee submits a Notice of Termination (NOT) stating that the site has achieved final stabilization and all applicable fees have been paid. The NOT form must be signed by the owner or operator or other authorized person in accordance with Part V of the General Permit. The permittee is responsible for payment of annual fees for each calendar year in which the source is covered under the General Permit.

E. Sources Covered Under the 2002 General Permit – Continuing Coverage

In order to maintain coverage under the General Permit, all sources must submit a complete NOI form and submit an application (NOI) fee (ARM 17.30.201(5) schedule I.B) by July 1, 2007. The NOI must be submitted to the Department at the address provided in Part I.D. The source is not required to submit a new or an amended SWPPP; however, a valid SWPPP must be maintained by the permittee in accordance with Part IV of this General Permit. Coverage under the General Permit will be terminated after July 1, 2007 unless a completed NOI form and fee have been received by the Department for the site.

Permits

Project: MT PRA GLAC 10(27), Rehabilitate West Entrance Station

Coverage under the General Permit remains in effect until the permittee submits a Notice of Termination (NOT) certifying that the site has achieved final stabilization or the permittee fails to submit a complete NOI form by July 1, 2007. The NOT form must be signed by the owner or operator or other authorized person in accordance with Part V of this General Permit. The permittee is responsible for payment of annual fees for each calendar year in which the source is covered under the General Permit.

F. Modification to NOIs

After a NOI package is received by the Department and coverage under the General Permit is in effect, a permittee may not modify the NOI or SWPPP to add additional construction-related disturbance area(s) except if the new additional construction-related disturbance is directly contiguous to and directly associated with the original site or facility, except for support activities. In accordance with ARM 17.30.201 the permittee must submit the applicable application fee. Such an amendment is considered a major amendment.

An authorization under the General Permit may be transferred to a new owner or operator in accordance with Part V. of this General Permit after the appropriate transfer has been paid.

G. Notice of Termination

1. Where a site has been finally stabilized the permittee shall submit a standard DEQ Notice of Termination (NOT) form that has been signed in accordance with Part V of this General Permit. The NOT form must include the following information:
 - a. The facility or site name and location, mailing address of the construction activity site. Where a mailing address for the site is not available, the location of the site must be described by the latitude and longitude of the site (in degrees, minutes, and seconds);
 - b. The name, address, and telephone number of the permittee as identified in the NOI;
 - c. The MPDES NOI number (Permit Number) as stated in the NOI Package Receipt Confirmation Letter described in Part I.C.4. of this General Permit;
 - d. Certification indicating the site has achieved final stabilization, and

- e. The complete NOT form must be signed and certified in accordance with the requirements in Part V of the General Permit. The NOT must be sent to the following address:

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

Failure to submit a Notice of Termination shall result in accrual of annual permit fees until this notice has been received by the Department.

2. Any owner or operator of a facility or site covered under this General Permit may request to be excluded from coverage under this General Permit by applying for an individual permit. If a final individual permit is issued to an owner/operator otherwise subject to this General Permit, coverage under this General Permit is terminated on the effective date of the individual permit.

H. Fees

1. Fees submitted for storm water discharges associated with construction activity are divided into two categories based on the following:
 - a. A "residential (single family dwelling)" construction activity is the construction of any building, structure, access, utility, or related disturbance utilized for single family occupancy on a distinct and individual lot or parcel of land and that is not combined with or a part of construction activity related to other lots, parcels of land, or single family dwellings. Construction activity must directly include the construction of one single family dwelling (house). Persons constructing more than one single family dwelling (such as a subdivision) are not eligible.
 - b. A "commercial or public" construction activity is a construction activity that does not meet the above criteria as a "residential (single family dwelling)" construction activity and that includes the development of subdivisions and other projects which are part of a common plan for development or sale.

An indication of which of these two categories a construction activity meets must be provided on the NOI form.

2. Annual fees are based on the calendar year. Permittees are responsible for paying the annual fee for any calendar year, or portion thereof, for which they have an active storm water discharge authorization under this General

Permit. A Notice of Termination under Part I.G. of this General Permit is required to deactivate the accrual of annual fees.

3. 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:
 - a. Impose an additional assessment consisting of 15% of the fee plus interest on the required fee computed at the rate established under 75-5-516, MCA, or
 - b. 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.

I. Residential (Single Family Dwelling) Authorization

Under ARM 17.30.201 and Part I.H. of the General Permit, a provision exists for General Permit authorization with a reduced flat fee for a "residential (single family dwelling)" storm water discharge associated with construction activity. To qualify for this type of authorization, all construction-related disturbance must achieve "final stabilization" within two years after the date the initial complete NOI package was submitted.