



ADMINISTRATIVE RULES OF MONTANA



17.30.1345 CALCULATING MPDES PERMIT CONDITIONS

- (1) All permit effluent limitations, standards, and prohibitions must be established for each outfall or discharge point of the permitted facility, except as otherwise provided under ARM 17.30.1344 (40 CFR 122.44(k)) (BMP's where limitations are infeasible) and (10) (limitations on internal waste streams).
- (2) Production-based limitations.
 - (a) In the case of POTW's, permit limitations, standards, or prohibitions must be calculated based on design flow.
 - (b) Except in the case of POTW's, or as provided in (3), calculation of any permit limitations, standards, or prohibitions which are based on production (or other measure of operation) must be based not upon the designed production capacity but rather upon a reasonable measure of actual production of the facility. For new sources or new dischargers, actual production must be estimated using projected production. The time period of the measure of production must correspond to the time period of the calculated permit limitations; for example, monthly production must be used to calculate average monthly discharge limitations.
- (3) The department may include a condition establishing alternate permit limitations, standards, or prohibitions based upon anticipated increased (not to exceed maximum production capability) or decreased production levels.
- (4) If the department establishes permit conditions under (3):
 - (a) The permit must require the permittee to notify the department at least two business days prior to a month in which the permittee expects to operate at a level higher than the lowest production level identified in the permit. The notice must specify the anticipated level and the period during which the permittee expects to operate at the alternate level. If the notice covers more than one month, the notice must specify the reasons for the anticipated production level increase. New notice of discharge at alternate levels is required to cover a period or production level not covered by prior notice or, if during two consecutive months otherwise covered by a notice, the production level at the permitted facility does not in fact meet the higher level designated in the notice.
 - (b) The permittee shall comply with the limitations, standards, or prohibitions that correspond to the lowest level of production specified in the permit, unless the permittee has notified the department under (a), in which case the permittee shall comply with the lower of the actual level of production during each month or the level specified in the notice.

- (c) The permittee shall submit with the DMR the level of production that actually occurred during each month and the limitations, standards, or prohibitions applicable to that level of production.
- (5) All permit effluent limitations, standards, or prohibitions for a metal must be expressed in terms of "total recoverable metal" as defined in 40 CFR Part 136 unless:
 - (a) an applicable effluent standard or limitation has been promulgated under the Act and specifies the limitation for the metal in the dissolved or valent or total form; or
 - (b) in establishing permit limitations on a case-by-case basis under ARM 17.30.1203, it is necessary to express the limitation on the metal in the dissolved or valent or total form to carry out the provisions of the Act; or
 - (c) all approved analytical methods for the metal inherently measure only its dissolved form (e.g., hexavalent chromium).
- (6) For continuous discharges all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, must unless impracticable be stated as:
 - (a) maximum daily and average monthly discharge limitations for all dischargers other than publicly owned treatment works; and
 - (b) average weekly and average monthly discharge limitations for POTW's.
- (7) Discharges which are not continuous, as defined in ARM 17.30.1304(12), must be particularly described and limited, considering the following factors, as appropriate:
 - (a) frequency (for example, a batch discharge must not occur more than once every three weeks);
 - (b) total mass (for example, not to exceed 100 kilograms of zinc and 200 kilograms of chromium per batch discharge);
 - (c) maximum rate of discharge of pollutants during the discharge (for example, not to exceed two kilograms of zinc per minute); and
 - (d) prohibition or limitation of specified pollutants by mass, concentration, or other appropriate measure (for example, must not contain at any time more than 0.1 mg/l zinc or more than 250 grams (1/4 kilogram) of zinc in any discharge).
- (8) Mass limitations:
 - (a) All pollutants limited in permits must have limitations, standards, or prohibitions expressed in terms of mass except:
 - (i) for pH, temperature, radiation, or other pollutants which cannot appropriately be expressed by mass;
 - (ii) when applicable standards and limitations are expressed in terms of other units of measurement; or
 - (iii) if in establishing permit limitations on a case-by-case basis under 40 CFR 125.3, limitations expressed in terms of mass are infeasible because the mass of the pollutant discharged cannot be related to a measure of operation (for example, discharges of

total suspended solids (TSS) from certain mining operations), and permit conditions ensure that dilution will not be used as a substitute for treatment.

- (b) Pollutants limited in terms of mass additionally may be limited in terms of other units of measurement, and the permit must require the permittee to comply with both limitations.
- (9) Pollutants in intake water:
- (a) Upon request of the discharger, technology-based effluent limitations or standards must be adjusted to reflect credit for pollutants in the discharger's intake water if:
 - (i) the applicable effluent limitations and standards contained in 40 CFR chapter 1, subchapter N, specifically provide that they must be applied on a net basis; or
 - (ii) the discharger demonstrates that the control system it proposes or uses to meet applicable technology-based limitations and standards would, if properly installed and operated, meet the limitations and standards in the absence of pollutants in the intake waters.
 - (b) Credit for generic pollutants such as biochemical oxygen demand (BOD) or total suspended solids (TSS) should not be granted unless the permittee demonstrates that the constituents of the generic measure in the effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (c) Credit may be granted only to the extent necessary to meet the applicable limitation or standards, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with permit limits.
 - (d) Credit may be granted only if the discharger demonstrates that the intake water is drawn from the same body of water into which the discharge is made. The department may waive this requirement if it finds that no environmental degradation will result.
 - (e) This rule does not apply to the discharge of raw water clarifier sludge generated from the treatment of intake water.
- (10) Internal waste streams:
- (a) When permit effluent limitations or standards imposed at the point of discharge are impractical or infeasible, effluent limitations or standards for discharges of pollutants may be imposed on internal waste streams before mixing with other waste streams or cooling water streams. In those instances, the monitoring required by ARM 17.30.1344, in accordance with 40 CFR 122.44(i), must also be applied to the internal waste streams.
 - (b) Limits on internal waste streams may be imposed only when the fact sheet under ARM 17.30.1371 sets forth the exceptional circumstances which make such limitations necessary, such as when the final discharge point is inaccessible (for example, under 10 meters of water), the wastes at the point of discharge are so diluted as to make monitoring impracticable, or the interferences among pollutants at the point of discharge would make detection or analysis impracticable.
- (11) Permit limitations and standards concerning disposal of pollutants into wells, POTW's, or by land application must be calculated as provided in ARM 17.30.1354.
- (12) The department adopts and incorporates by reference:

- (a) 40 CFR 122.44(j)(2), which is a federal agency rule setting forth a requirement for the submittal by a publicly owned treatment work (POTW) of a local pretreatment program;
- (b) 40 CFR 122.45(b)(2)(ii)(A) which is a federal agency rule setting forth the availability of alternate permit limitations, standards, or prohibitions based on varying production levels;
- (c) 40 CFR 136, which is a series of federal agency rules setting forth guidelines for testing procedures for the analysis of pollutants;
- (d) 40 CFR 125.3, which is a federal agency rule setting forth technology-based treatment requirements for point source dischargers;
- (e) 40 CFR chapter 1, subchapter N, which is a series of federal agency rules setting forth effluent guidelines and standards for point source dischargers; and
- (f) 40 CFR 122.44(i), which is a federal agency rule setting forth monitoring requirements for point source dischargers.

Authorizing statute(s): 75-5-201, 75-5-401, MCA

Implementing statute(s): 75-5-401, MCA

History: NEW, 1989 MAR p. 2060, Eff. 12/8/89; AMD, 1992 MAR p. 1241, Eff. 6/12/92; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2020 MAR p. 1879, Eff. 10/24/20; AMD, 2024 MAR p. 257, Eff. 2/10/24.