



ADMINISTRATIVE RULES OF MONTANA



17.30.1343 ADDITIONAL CONDITIONS APPLICABLE TO SPECIFIC CATEGORIES OF MPDES PERMITS

- (1) The following conditions, in addition to those set forth in ARM 17.30.1342, apply to all MPDES permits within the categories specified below:
 - (a) All existing manufacturing, commercial, mining, and silvicultural dischargers, in addition to the reporting requirements under ARM 17.30.1342(12) , shall notify the department as soon as they know or have reason to believe:
 - (i) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) 100 micrograms per liter;
 - (B) 200 micrograms per liter for acrolein and acrylonitrile; 500 micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;
 - (C) five times the maximum concentration value reported for that pollutant in the permit application in accordance with ARM 17.30.1322(7) (g) ; or
 - (D) the level established by the department in accordance with ARM 17.30.1344(6) .
 - (ii) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (A) 500 micrograms per liter;
 - (B) one milligram per liter for antimony;
 - (C) 10 times the maximum concentration value reported for that pollutant in the permit application in accordance with ARM 17.30.1322(7) (g) ; or
 - (D) the level established by the department in ARM 17.30.1344, in accordance with 40 CFR 122.44(f) .
 - (b) All POTW's shall provide adequate notice to the department of the following:
 - (i) any new introduction of pollutants into the POTW from an indirect discharger which would be subject to the effluent limits or standards of performance adopted and set forth in ARM 17.30.302 if it were directly discharging those pollutants; and

- (ii) any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (iii) For purposes of this rule, adequate notice must include information on:
 - (A) the quality and quantity of effluent introduced into the POTW; and
 - (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (c) Any permit issued to a concentrated animal feeding operation (CAFO) must include the requirements specified in 40 CFR 122.42(e). In general, the requirements in that federal regulation include:
 - (i) a requirement to implement a nutrient management plan that contains best management practices necessary to meet the requirements of 40 CFR 122.42(e)(1) and any applicable effluent limitations in 40 CFR Part 412;
 - (ii) recordkeeping and reporting requirements;
 - (iii) requirements relating to the transfer of manure or process wastewater to other persons;
 - (iv) a requirement to include specific terms in the nutrient management plan and a duty to comply with those terms; and
 - (v) requirements relating to changes in a nutrient management plan.
- (2) The department adopts and incorporates by reference the following federal regulations, which may be obtained from the Department of Environmental Quality, Water Protection Bureau, P.O. Box 200901, Helena, MT 59620-0901:
 - (a) 40 CFR 122.44(f) (July 1, 2012), which sets forth "notification levels" for dischargers of pollutants that may be inserted in a permit upon a petition from the permittee or upon the initiative of the department;
 - (b) 40 CFR Part 412 (July 1, 2012), which establishes the effluent limitation guidelines and best management practices for CAFOs; and
 - (c) 40 CFR 122.42(e) (July 1, 2012), which establishes additional permit conditions for CAFOs.

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; TRANS, from DHES, 1996 MAR p. 1499; AMD, 2006 MAR p. 532, Eff. 2/24/06; AMD, 2013 MAR p. 529, Eff. 4/12/13; AMD, 2024 MAR p. 257, Eff. 2/10/24.