



ADMINISTRATIVE RULES OF MONTANA



17.30.1341 GENERAL PERMITS

- (1) The department may issue general permits for the following categories of point sources which the department has determined are appropriate for general permitting under the criteria listed in 40 CFR 122.28 as stated in ARM 17.30.1105:
 - (a) cofferdams or other construction dewatering discharges;
 - (b) ground water pump test discharges;
 - (c) fish farms;
 - (d) placer mining operations;
 - (e) suction dredge operations using suction intakes no larger than four inches in diameter;
 - (f) oil well produced water discharges for beneficial use;
 - (g) animal feedlots;
 - (h) domestic sewage treatment lagoons;
 - (i) sand and gravel mining and processing operations;
 - (j) point source discharges of storm water;
 - (k) treated water discharged from petroleum cleanup operations;
 - (l) discharges from public water supply systems, as determined under Title 75, chapter 6, MCA;
 - (m) discharges to wetlands that do not contain perennial free surface water;
 - (n) discharges from road salting operations;
 - (o) asphalt plant discharges;
 - (p) discharges of hydrostatic testing water;
 - (q) discharges of noncontact cooling water;
 - (r) swimming pool discharge;
 - (s) septic tank pumper disposal sites; and
 - (t) pesticide application.
- (2) Although MPDES general permits may be issued for a category of point sources located throughout the state, they may also be restricted to more limited geographical areas.

- (3) Prior to issuing a MPDES general permit, the department shall prepare a public notice which includes the equivalent of information listed in ARM 17.30.1372(6) and shall publish the same as follows:
 - (a) prior to publication, notice to the U.S. Environmental Protection Agency;
 - (b) direct mailing of notice to the Water Pollution Control Advisory Council and to any persons who may be affected by the proposed general permit;
 - (c) publication of notice in a daily newspaper in Helena and in other daily newspapers of general circulation in the state or affected area;
 - (d) after publication, a hearing must be held and a 30-day comment period allowed as provided in ARM 17.30.1372 through 17.30.1377 and 17.30.1383.
- (4) A person owning or proposing to operate a point source who wishes to operate under a MPDES general permit shall complete a standard MPDES application or notice of intent form available from the department for the particular general permit. Except for notices of intent, the department shall, within 30 days of receiving a completed application, either issue to the applicant an authorization to operate under the MPDES general permit, or shall notify the applicant that the source does not qualify for authorization under a MPDES general permit, citing one or more of the following reasons as the basis for denial:
 - (a) the specific source applying for authorization appears unable to comply with the following requirements:
 - (i) effluent standards, effluent limitations, standards of performance for new sources of pollutants, toxic effluent standards and prohibitions, and pretreatment standards;
 - (ii) water quality standards established pursuant to 75-5-301, MCA;
 - (iii) prohibition of discharge of any radiological, chemical, or biological warfare agent or high-level radioactive waste;
 - (iv) prohibition of any discharge which the secretary of the army acting through the chief of engineers finds would substantially impair anchorage and navigation;
 - (v) prohibition of any discharges to which the regional administrator has objected in writing;
 - (vi) prohibition of any discharge which is in conflict with a plan or amendment thereto approved pursuant to section 208(b) of the federal Clean Water Act; and
 - (vii) any additional requirements that the department determines are necessary to carry out the provisions of 75-5-101, et seq., MCA.
 - (b) the discharge is different in degree or nature from discharges reasonably expected from sources or activities within the category described in the MPDES general permit;
 - (c) an MPDES permit or authorization for the same operation has previously been denied or revoked;
 - (d) 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;

- (e) the point source will be located in an area of unique ecological or recreational significance. Such determination must be based upon considerations of Montana stream classifications adopted under 75-5-301 , MCA, impacts on fishery resources, local conditions at proposed discharge sites, and designations of wilderness areas under 16 USC 1132 or of wild and scenic rivers under 16 USC 1274.
- (5) Where authorization to operate under a MPDES general permit is denied, or a notice of intent under ARM 17.30.1115 is not applicable, the department shall proceed, unless the application or notice of intent is withdrawn, to process the application or notice of intent through the individual MPDES permit requirements under this subchapter.
- (6) Every MPDES general permit must have a fixed term not to exceed five years. Except as provided in (10) , every authorization to operate under a MPDES general permit expires at the same time the MPDES general permit expires.
- (7) Where authorization to operate under a MPDES general permit is issued to, or a notice of intent received from, a point source covered by an individual MPDES permit, the department shall, upon issuance of the authorization to operate or receipt of the notice of intent under the MPDES general permit, terminate the individual MPDES permit for that point source.
- (8) Any person authorized or eligible to operate under a MPDES general permit may at any time apply for an individual MPDES permit according to the procedures in this subchapter. Upon issuance of the individual MPDES permit, the department shall terminate any MPDES general permit authorization or notice of intent held by such person.
- (9) The department, on its own initiative or upon the petition of any interested person, may modify, suspend, or revoke in whole or in part a MPDES general permit or an authorization or notice of intent to operate under a MPDES general permit during its term in accordance with the provisions of ARM 17.30.1361 for any cause listed in ARM 17.30.1361 or for any of the following causes:
 - (a) the approval of a water quality management plan containing requirements applicable to point sources covered in the MPDES general permit;
 - (b) determination by the department that the discharge from any authorized source is a significant contributor to pollution as determined by the factors set forth in 40 CFR 122.26(c)(2) ; or
 - (c) a change in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to a source or to a category of sources;
 - (d) occurrence of one or more of the following circumstances:
 - (i) violation of any conditions of the permit; or
 - (ii) obtaining an MPDES permit by misrepresentation or failure to disclose fully all relevant facts;
 - (iii) a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
 - (iv) a failure or refusal by the permittee to comply with the requirements of 75-5-602, MCA.
- (10) The department may reissue an authorization to operate under a MPDES general permit provided that the requirements for reissuance of MPDES permits specified in ARM 17.30.1322 are met.

- (11) The department shall maintain and make available to the public a register of all sources and activities authorized to operate, or with notices of intent to discharge, under each MPDES general permit including the location of such sources and activities, and shall provide copies of such registers upon request.
- (12) A concentrated animal feeding operation (CAFO) owner or operator may be authorized to discharge under a general permit only in accordance with the process described in 40 CFR 122.23(h).
- (13) 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 122.28 (July 1, 2012), which sets forth criteria for selecting categories of point sources appropriate for general permitting;
 - (b) 40 CFR 124.10(d)(1) (July 1, 2012), which sets forth minimum contents of public notices; and
 - (c) 40 CFR 122.23(h) (July 1, 2012), which sets forth procedures for CAFOs seeking coverage under a general permit.

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, 1999 MAR p. 1661, Eff. 7/23/99; AMD, 2003 MAR p. 220, Eff. 2/14/03; AMD, 2011 MAR p. 909, Eff. 5/27/11; AMD, 2013 MAR p. 529, Eff. 4/12/13; AMD, 2020 MAR p. 1879, Eff. 10/24/20; AMD, 2024 MAR p. 257, Eff. 2/10/24.