

MONTANA WATER QUALITY STANDARDS

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BACKGROUND

- Montana's first Water Quality regulations began in 1907
- Montana has had Water Quality Standards since at least the mid 1950's
- Montana Water Quality Act
- 1972 Federal Clean Water Act
- Montana has received delegated authority to implement many of the Clean Water Act Programs including:
 - Montana Pollutant Elimination System (MPDES)
 - Water Quality Standards

WHO DO STANDARDS APPLY TO?

EVERYONE

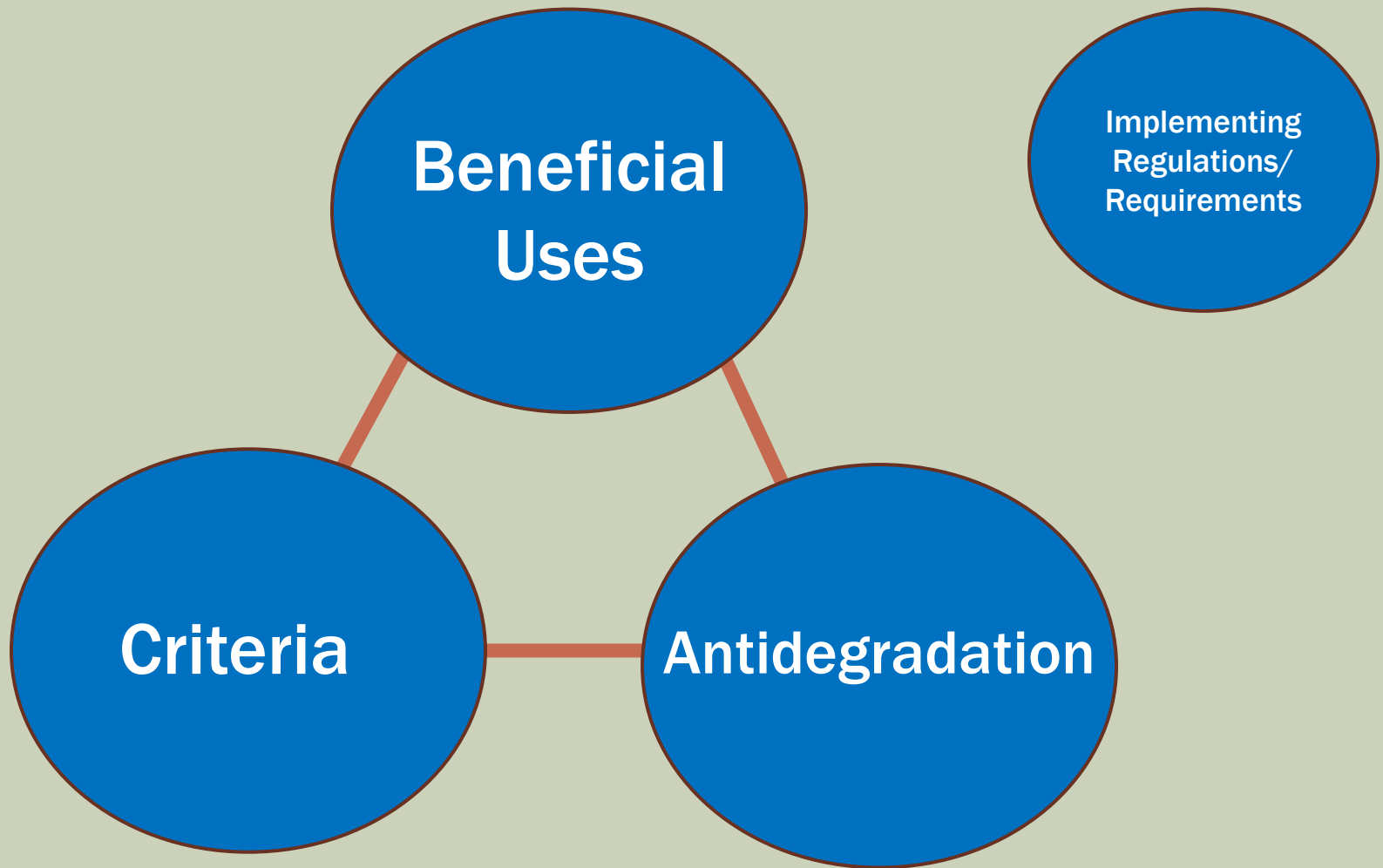
MPDES Permit Required

- Industrial
- Publicly owned
- CAFO's
- Storm water
- Etc.

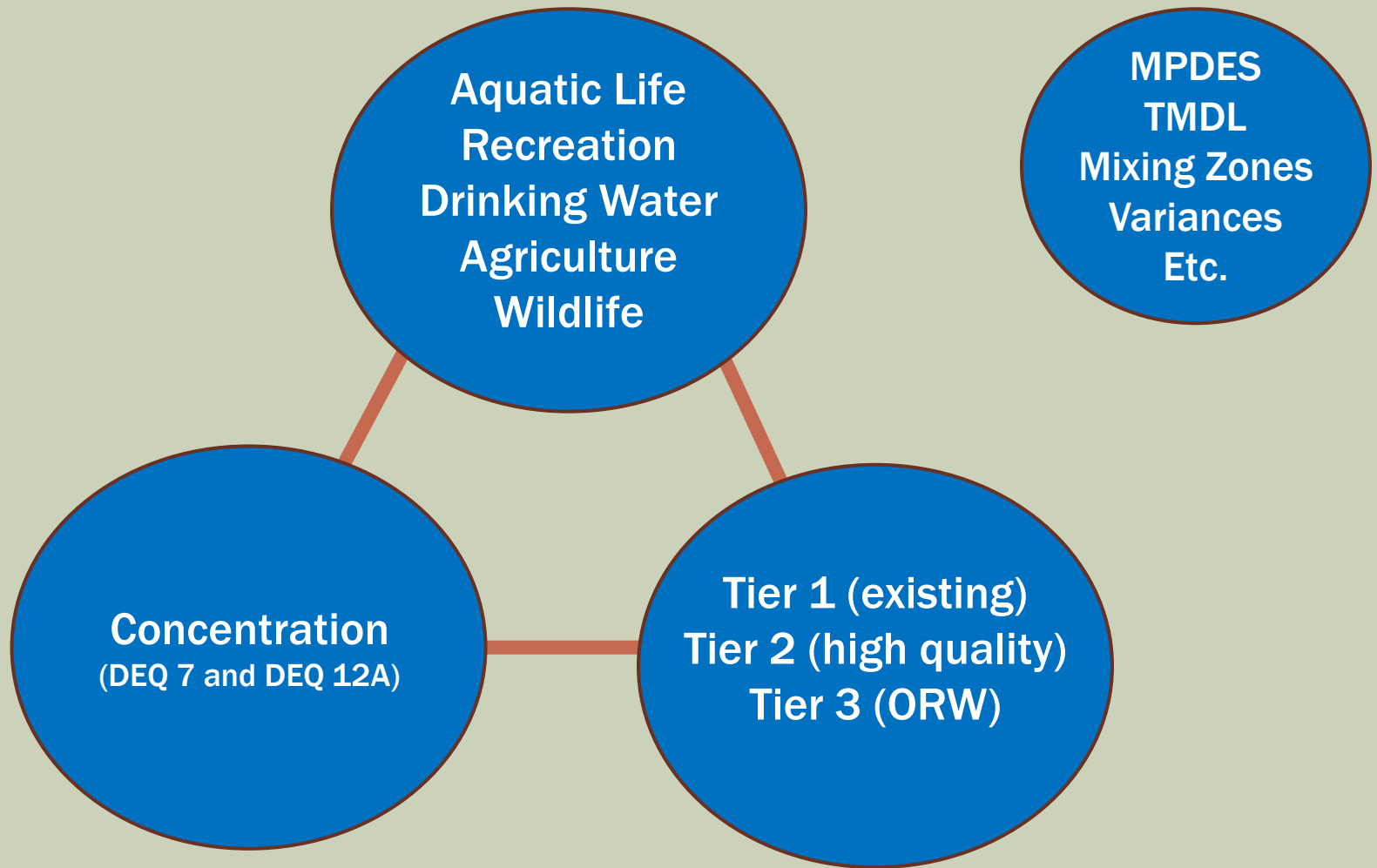
No Permit Required

- Agriculture
- Forestry
- Septic
- Etc.

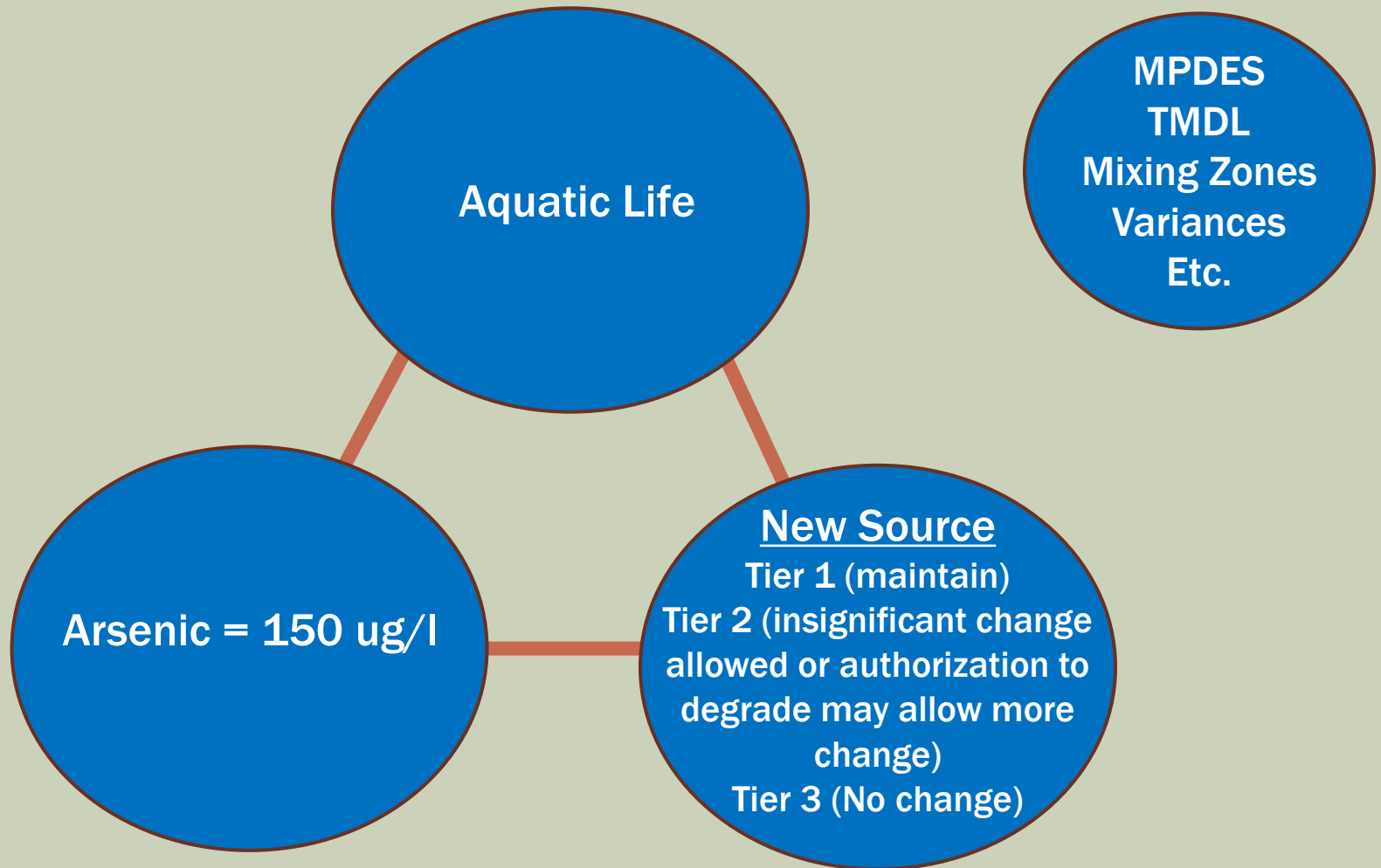
SURFACE WATER QUALITY STANDARD COMPOSED OF 3 SEPARATE COMPONENTS



SURFACE WATER QUALITY STANDARD



SURFACE WATER QUALITY STANDARD



POTENTIAL AREAS FOR NEAR FUTURE RULEMAKING

- Surface Water Quality Standards
- Mixing Zones
- Groundwater Standards
- Classifications (grouping of Beneficial Uses)
- MPDES permitting regulations
- 75-5-222 MCA (SB325 passed by 2015 Legislature)

75-5-222 MCA

- (1) The Department may not apply a standard that is more stringent than the non-anthropogenic condition. Where standards are more stringent than the non-anthropogenic condition then the non-anthropogenic condition is the standard.

- (2) The Board shall adopt rules for the Department to issue variances from standards
 - The condition cannot be reasonably expected to be remediated in permit term
 - The discharge to which the variance applies would not materially contribute to the condition

MCA 75-5-222(1) NONANTHROPOGENIC

- The Department may not apply a standard that is more stringent than the nonanthropogenic condition. Where standards are more stringent than the nonanthropogenic condition then the nonanthropogenic condition is the standard.
- MCA 75-5-306: It is not necessary to treat wastes purer than natural.



Gibbon River. <http://www.yellowstone.co/rivers/gibbon.htm>

75-5-222(2) VARIANCE

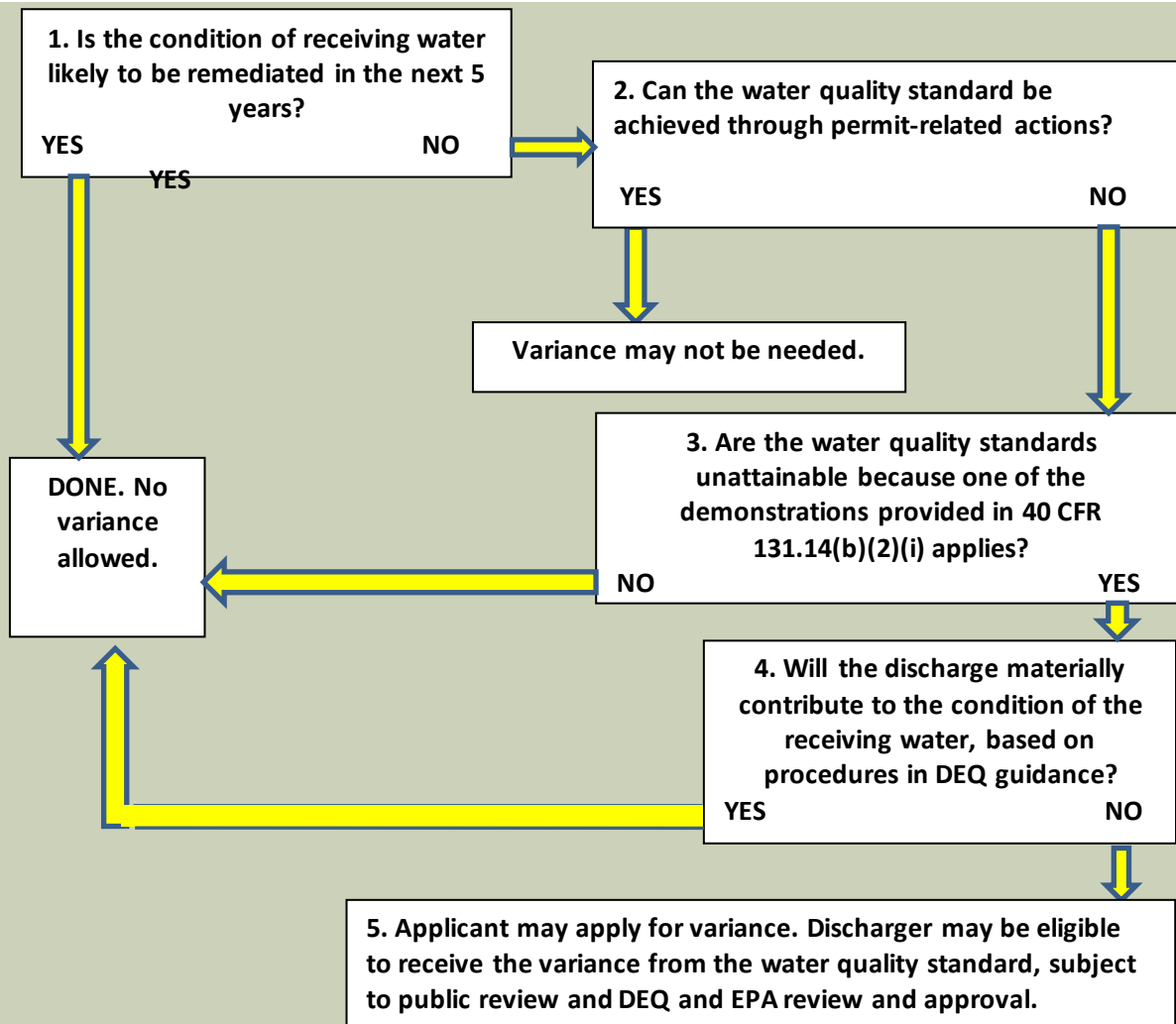
- (2) The Board shall adopt rules for the Department to issue variances from standards
 - The condition cannot be reasonably expected to be remediated in permit term
 - The discharge to which the variance applies would not materially contribute to the condition
- The Department formed a working group in 2016
- Context supporting this legislation



WHAT IS A VARIANCE?

- Appropriate to Apply when the Water Quality Standard is accurate (goals for the waterbody)
- Under CWA variances can be used for 1 of 6 scenarios
 - Human caused conditions prevent attainment
 - Substantial and widespread social and economic impact
- Provides a limited time for a discharger to exceed water quality standards

DRAFT VARIANCE PROCESS



STATUS OF 75-5-222 RULEMAKING

(1)—review phase

- Draft rule
- Draft Circular
- Guidance document
- Case studies

(2)— DEQ will request initiation of rulemaking in the near future

- Draft rule
- Guidance document

QUESTIONS?

