

~~75-5-221. Water pollution control advisory council — general. (1) The council provided for in 2-15-2107 shall select a presiding officer from among its members. The director of the department of environmental quality shall designate a member of the staff of the department to act as secretary to the council. The secretary shall keep records of all actions taken by the council.~~

~~(2) Meetings must be held at the call of the presiding officer or on written request of two or more members.~~

~~(3) Each member may, by filing with the secretary, designate a deputy or alternate to perform the member's duties.~~

~~(4) The council shall act only in an advisory capacity to the department on matters relating to water pollution.~~

~~(5) The director of the department may designate other persons to participate with council members in evaluating particular issues arising under this chapter that are brought before the council.~~

~~History: En. Sec. 132, Ch. 197, L. 1967; amd. Sec. 10, Ch. 21, L. 1971; amd. Sec. 64, Ch. 349, L. 1974; R.C.M. 1947, 69-4812; amd. Sec. 1, Ch. 297, L. 1995; amd. Sec. 185, Ch. 418, L. 1995.~~

~~75-5-222. State regulation for natural conditions. (1) The department may not apply a standard to a water body for water quality that is more stringent than the nonanthropogenic condition of the water body. For the parameters for which the applicable standards are more stringent than the nonanthropogenic condition, the standard is the nonanthropogenic condition of the parameter in the water body. The department shall implement the standard in a manner that provides for the water quality standards for downstream waters to be attained and maintained.~~

~~(2) (a) For water bodies where the standard is more stringent than the condition of the water body but subsection (1) is not applicable, the board shall adopt rules consistent with comparable federal rules and guidelines providing criteria and procedures for the department to issue variances from standards if:~~

~~(i) the condition cannot reasonably be expected to be remediated during the permit term for which the application for variance has been received; and~~

~~(ii) the discharge to which the variance applies would not materially contribute to the condition.~~

~~(b) A variance issued pursuant to subsection (2)(a) must be reviewed every 5 years and may be modified or terminated as a result of the review.~~

~~History: En. Sec. 1, Ch. 378, L. 2015.~~

Compiler's Comments

Effective Date: This section is effective October 1, 2015.

Part 3 Classification and Standards

Part Cross-References

Energy emergency — power of Governor to suspend pollution control standards, 90-4-310.

~~75-5-301. Classification and standards for state waters. Consistent with the provisions of 80-15-201 and this chapter, the board shall:~~

~~(1) establish the classification of all state waters in accordance with their present and future most beneficial uses, creating an appropriate classification for streams that, due to sporadic flow, do not support an aquatic ecosystem that includes salmonid or nonsalmonid fish;~~

~~(2) formulate and adopt standards of water quality, giving consideration to the economics of waste treatment and prevention. When rules are adopted regarding temporary standards, they must conform with the requirements of 75-5-312. Standards adopted by the board must meet the following requirements:~~

~~(a) for carcinogens, the water quality standard for protection of human health must be the value associated with an excess lifetime cancer risk level, assuming continuous lifetime exposure, not to exceed 1×10^{-3} in the case of arsenic and 1×10^{-5} for other carcinogens. However, if a standard established at a risk level of 1×10^{-3} for arsenic or 1×10^{-5} for other carcinogens violates the maximum contaminant level obtained from 40 CFR, part 141, then the maximum contaminant level must be adopted as the standard for that carcinogen.~~