

ENVIRONMENTAL QUALITY

CHAPTER 30

WATER QUALITY

Subchapter 10

Montana Ground Water Pollution Control System

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Subchapter 10

Montana Ground Water Pollution Control System

17.30.1001 DEFINITIONS The following definitions, in addition to those in 75-5-103, MCA, apply throughout this subchapter:

(1) "Beneficial use" means a use of ground water designated under the appropriate classification in ARM 17.30.1006.

(2) "DEQ-7" means Department Circular DEQ-7, entitled "Montana Numeric Water Quality Standards" (October 2012 edition), which establishes water quality standards for toxic, carcinogenic, radioactive, bioconcentrating, nutrient, and harmful parameters.

(a) The board adopts and incorporates by reference Department Circular DEQ-7, entitled "Montana Numeric Water Quality Standards" (October 2012 edition), which establishes water quality standards for toxic, carcinogenic, bioconcentrating, nutrient, radioactive, and harmful parameters.

(3) "Discharge" means the addition of any pollutant to waters of the state.

(4) "Discharge limitations" means limitations imposed on the design or operation of a source to control the entry of pollutants into ground water.

(5) "Existing source" means a source which is or has been in operation or on which construction has commenced on October 29, 1982.

(6) "Ground water" means water occupying the voids within a geologic stratum and within the zone of saturation.

(7) "Mixing zone" means a portion of ground water to which pollutants are discharged and in which otherwise applicable ground water standards may be exceeded.

(8) "Montana ground water quality standards" means the standards for ground water quality set forth in ARM 17.30.1006.

(9) "Montana pollutant discharge elimination system (MPDES)" means the system developed by the state of Montana for issuing permits for the discharge of pollutants from point sources into state surface waters pursuant to ARM Title 17, chapter 30, subchapter 12.

(10) "MGWPCS" means the Montana ground water pollution control system established in this subchapter.

(11) "MPDES permit" means any permit issued by the department pursuant to ARM Title 17, chapter 30, subchapter 13 to regulate the discharge of pollutants from point sources into state surface waters.

(12) "Nonpoint source" means a diffuse source of pollutants resulting from the activities of man over a relatively large area, the effects of which normally must be addressed or controlled by a management practice rather than by an engineered containment or structure.

(13) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a source discharging pollutants to ground waters.

(14) "Reclaimed wastewater" is defined in 75-6-102, MCA.

(15) "Source" means any sewage system, treatment works, point source, disposal system, concentration of pollutants, or pond containing process wastes or pollutants used, employed, or operated so that the same results or under normal operating conditions may reasonably be expected to result in the discharge of pollutants to ground waters of the state.

(16) "UIC program" means the underground injection control program established in compliance with the federal Safe Drinking Water Act, 42 USCA 300f, et seq.

(17) "Unrestricted reclaimed wastewater" means wastewater that is treated to the standards for Class A-1 or Class B-1 reclaimed wastewater, as set forth in Appendix B of Department Circular DEQ-2, entitled "Montana Department of Environmental Quality Design Standards for Public Sewage Systems" (2016 edition).

(a) The board adopts and incorporates by reference Department Circular DEQ-2, entitled "Department of Environmental Quality Design Standards for Public Sewage Systems" (2016 edition). Copies are available from the Department of Environmental Quality, Technical and Financial Assistance Bureau, P.O. Box 200901, Helena, MT 59620-0901. (History: 75-5-201, 75-5-401, MCA; IMP, 75-5-301, 75-5-401, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1997 MAR p. 402, Eff. 2/25/97; AMD, 1999 MAR p. 94, Eff. 1/15/99; AMD, 1999 MAR p. 2257, Eff. 10/8/99; AMD, 1999 MAR p. 2275, Eff. 10/8/99; AMD, 2002 MAR p. 387, Eff. 2/15/02; AMD, 2003 MAR p. 217, Eff. 2/14/03; AMD, 2004 MAR p. 725, Eff. 4/9/04; AMD, 2006 MAR p. 528, Eff. 2/24/06; AMD, 2008 MAR p. 946, Eff. 5/9/08; AMD, 2010 MAR p. 1796, Eff. 8/13/10; AMD, 2012 MAR p. 2060, Eff. 10/12/12; AMD, 2012 MAR p. 2067, Eff. 10/12/12; AMD, 2016 MAR p. 1008, Eff. 6/4/16.)

17.30.1002 CLASSIFICATION OF GROUND WATER (REPEALED)

(History: 75-5-201, MCA; IMP, 75-5-301, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499; REP, 1999 MAR p. 94, Eff. 1/15/99.)

17.30.1003 GROUND WATER QUALITY STANDARDS (REPEALED)

(History: 75-5-301, MCA; IMP, 75-5-301, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; AMD, 1994 MAR p. 2136, Eff. 8/12/94; AMD, 1995 MAR p. 1798, Eff. 9/15/95; AMD, 1996 MAR p. 555, Eff. 2/23/96; TRANS, from DHES, 1996 MAR p. 1499; REP, 1999 MAR p. 94, Eff. 1/15/99.)

Rule 17.30.1004 reserved

17.30.1005 APPLICABILITY OF GROUND WATER STANDARDS AND BASIS FOR CLASSIFICATIONS (1) The standards in ARM 17.30.1006 establish the maximum allowable changes in ground water quality and are the basis for limiting discharges to ground water.

(2) The ground water standards may be exceeded within a mixing zone established pursuant to ARM 17.30.501 through 17.30.518.

(3) It is not necessary to treat discharges to a purer condition than the natural condition of the receiving water, within the meaning of 75-5-306, MCA.

(4) The classifications of ground water are based on natural specific conductance as specified in ARM 17.30.1006. (History: 75-5-301, 80-15-105, 80-15-201, MCA; IMP, 75-5-301, 80-15-201, MCA; NEW, 1999 MAR p. 94, Eff. 1/15/99.)

17.30.1006 CLASSIFICATIONS, BENEFICIAL USES, AND SPECIFIC STANDARDS FOR GROUND WATERS (1) Class I ground waters are those ground waters with a natural specific conductance less than or equal to 1,000 microSiemens/cm at 25°C.

(a) The quality of Class I ground water must be maintained so that these waters are suitable for the following beneficial uses with little or no treatment:

- (i) public and private water supplies;
- (ii) culinary and food processing purposes;
- (iii) irrigation;
- (iv) drinking water for livestock and wildlife; and
- (v) commercial and industrial purposes.

(b) Except as provided in ARM 17.30.1005(2), a person may not cause a violation of the following specific water quality standards in Class I ground water:

- (i) the human health standards for ground water listed in DEQ-7;
- (ii) for concentrations of parameters for which human health standards are not listed in DEQ-7, no increase of a parameter to a level that renders the waters harmful, detrimental, or injurious to the beneficial uses listed for Class I water. The department may use any pertinent credible information to determine these levels; and
- (iii) no increase of a parameter that causes a violation of the nondegradation provisions of 75-5-303, MCA.

(2) Class II ground waters are those ground waters with a natural specific conductance that is greater than 1,000 and less than or equal to 2,500 microSiemens/cm at 25°C.

(a) The quality of Class II ground water must be maintained so that these waters are at least marginally suitable for the following beneficial uses:

- (i) public and private water supplies;
- (ii) culinary and food processing purposes;
- (iii) irrigation of some agricultural crops;
- (iv) drinking water for livestock and wildlife; and
- (v) most commercial and industrial purposes.

(b) Except as provided in ARM 17.30.1005(2), a person may not cause a violation of the following specific water quality standards for Class II ground water:

- (i) the human health standards for ground water listed in DEQ-7;
- (ii) for concentrations of parameters for which human health standards are not listed in DEQ-7, no increase of a parameter to a level that renders the waters harmful, detrimental, or injurious to the beneficial uses listed for Class II water. The department may use any pertinent credible information to determine these levels; and
- (iii) no increase of a parameter that causes a violation of the nondegradation provisions of 75-5-303, MCA.

(3) Class III ground waters are those ground waters with a natural specific conductance that is greater than 2,500 and less than or equal to 15,000 microSiemens/cm at 25°C.

(a) The quality of Class III ground water must be maintained so that these waters are at least marginally suitable for the following beneficial uses:

- (i) irrigation of some salt tolerant crops;
- (ii) some commercial and industrial purposes;
- (iii) drinking water for some livestock and wildlife; and
- (iv) drinking, culinary, and food processing purposes where the specific conductance is less than 7,000 microSiemens/cm at 25°C.

(b) Except as provided in ARM 17.30.1005(2), a person may not cause a violation of the following specific water quality standards for Class III ground water:

- (i) the human health standards listed in DEQ-7, except that the nitrate nitrogen and nitrate plus nitrite nitrogen standards listed in DEQ-7 do not apply to ground waters with a specific conductance equal to or greater than 7,000 microSiemens/cm at 25°C. The nitrate nitrogen and nitrate plus nitrite nitrogen standards for these waters are each 50 mg/l; and

(ii) for concentrations of parameters for which human health standards for ground water are not listed in DEQ-7, no increase of a parameter to a level that renders the waters harmful, detrimental, or injurious to the beneficial uses listed for Class III water. The department may use any pertinent credible information to determine these levels.

(c) The nondegradation provisions of 75-5-303, MCA, do not apply to Class III ground water.

(4) Class IV ground waters are those ground waters with a natural specific conductance greater than 15,000 microSiemens/cm at 25°C.

(a) The quality of Class IV ground waters must be maintained so that they are suitable for some industrial and commercial uses.

(b) Except as provided in (5) and ARM 17.30.1005(2), a person may not cause a violation of the following specific water quality standards for Class IV ground water:

(i) the human health standards for parameters categorized as carcinogens in DEQ-7;

(ii) for concentrations of parameters in DEQ-7 which are not listed as carcinogens, no increase of a parameter to a level that would adversely affect existing beneficial uses. The nitrate nitrogen and nitrate plus nitrite nitrogen standards are each 50 mg/l;

(iii) for concentrations of parameters for which human health standards are not listed in DEQ-7, no increase of a parameter to a level that would adversely affect existing beneficial uses. The department may use any pertinent credible information to determine these levels.

(c) The nondegradation provisions of 75-5-303, MCA, do not apply to Class IV ground water.

(5) For Class III or IV waters, where it can be demonstrated to the satisfaction of the department that the field hydraulic conductivity is less than 0.1 feet per day in an affected or potentially affected ground water zone, the nitrate nitrogen and nitrate plus nitrite nitrogen standards in (3)(b)(i) and (4)(b)(ii) do not apply, provided that all existing and anticipated uses of the ground waters are protected.

(6) The ground water quality standards for metal parameters are based on the dissolved portion (after filtration through a 0.45 micron filter) of the contaminant in the ground water. The ground water quality standards for other parameters in department Circular DEQ-7 are based upon unfiltered samples. For inorganic parameters, compliance with standards based on filtered samples must be assumed if analyses using the total recoverable method demonstrates compliance with the numerical standards. (History: 75-5-301, 80-15-105, 80-15-201, MCA; IMP, 75-5-301, 80-15-201, MCA; NEW, 1999 MAR p. 94, Eff. 1/15/99; AMD, 2002 MAR p. 387, Eff. 2/15/02; AMD, 2003 MAR p. 217, Eff. 2/14/03; AMD, 2004 MAR p. 1617, Eff. 4/9/04; AMD, 2006 MAR p. 528, Eff. 2/24/06.)

17.30.1007 SAMPLE COLLECTION, PRESERVATION, AND ANALYSIS METHODS (1) Methods of sample collection, preservation, and sample analysis used to determine compliance with the standards in this subchapter must be in accordance with 40 CFR Part 136 "Guidelines Establishing Test Procedures for the Analysis of Pollutants" (July 2007), or the following:

(a) EPA-SW-846, Third Edition (November 1986), as amended by Updates I (July 1992), II (September 1994), IIA (August 1993), IIB (January 1995), and III (December 1996), and IIIA (May 1999) "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods";

(b) EPA-600/R-95/131 (August 1995), "Methods for the Determination of Organic Compounds in Drinking Water", Supplement III;

(c) EPA-600/R-93/100 (August 1993), "Methods for the Determination of Inorganic Substances in Environmental Samples";

(d) EPA-600/R-94/111 (May 1994), "Methods for the Determination of Metals in Environmental Samples," Supplement I; or;

(e) methods specifically approved by the department in a permit, license, authorization, or approval provided for by statute or rule.

(2) Analyses of parameters to determine compliance with ground water standards must comply with the required reporting values given in DEQ-7.

(3) The board adopts and incorporates by reference the following publications:

(a) EPA-SW-846, [Third Edition (November 1986), as amended by Updates I (July, 1992), II (September 1994), IIA (August 1993), IIB (January 1995), and III (December 1996)], "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods";

(b) EPA-600/R-95/131 (August 1995), "Methods for the Determination of Organic Compounds in Drinking Water", Supplement III;

(c) EPA-600/R-93/100 (August 1993), "Methods for the Determination of Inorganic Substances in Environmental Samples"; and

(d) EPA-600/R-94/111 (May 1994), "Methods for the Determination of Metals in Environmental Samples", Supplement I.

(4) Copies of the publications in (3)(a) through (d) are available at the Department of Environmental Quality, 1520 East Sixth Avenue, P.O. Box 200901, Helena, MT 59620-0901. (History: 75-5-301, MCA; IMP, 75-5-301, MCA; NEW, 1999 MAR p. 94, Eff. 1/15/99; AMD, 2002 MAR p. 387, Eff. 2/15/02; AMD, 2003 MAR p. 217, Eff. 2/14/03; AMD, 2004 MAR p. 725, Eff. 4/9/04; AMD, 2006 MAR p. 528, Eff. 2/24/06; AMD, 2008 MAR p. 946, Eff. 5/9/08.)

Rules 17.30.1008 and 17.30.1009 reserved

17.30.1010 MIXING ZONE (1) Discharges of pollutants to ground waters may be granted a mixing zone by the department, provided the mixing zone is specifically identified and conforms with the requirements and procedures of ARM Title 17, chapter 30, subchapter 5.

(2) The board hereby adopts and incorporates by reference ARM Title 17, chapter 30, subchapter 5, which establishes requirements and procedures for the granting or denying of mixing zones by the department. (History: 75-5-301, MCA; IMP, 75-5-301, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; AMD, 1994 MAR p. 2136, Eff. 8/12/94; TRANS, from DHES, 1996 MAR p. 1499.)

17.30.1011 NONDEGRADATION (1) Any ground water whose existing quality is higher than the established groundwater quality standards for its classification must be maintained at that high quality in accordance with 75-5-303, MCA, and ARM Title 17, chapter 30, subchapter 7. (History: 75-5-301, 75-5-303, MCA; IMP, 75-5-303, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; AMD, 1994 MAR p. 2136, Eff. 8/12/94; TRANS, from DHES, 1996 MAR p. 1499.)

Rules 17.30.1012 through 17.30.1021 reserved

17.30.1022 EXCLUSIONS FROM PERMIT REQUIREMENTS (1) In addition to the permit exclusions identified in 75-5-401, MCA, the following activities or operations are not subject to the permit requirements of ARM 17.30.1023, 17.30.1024, 17.30.1030 through 17.30.1033, 17.30.1040, and 17.30.1041:

(a) motor vehicle wrecking facilities and county motor vehicle graveyards licensed pursuant to Title 75, chapter 10, MCA;

(b) sources that obtain an MPDES permit pursuant to ARM Title 17, chapter 30, subchapter 13;

(c) public sewage systems that were reviewed and approved by the department prior to May 1, 1998, under Title 75, chapter 6, and ARM 17.38.101. However, this exclusion does not apply to systems with a design capacity greater than 5000 gallons per day, if the operator of the system requests a modification after May 1, 1998, or if the department determines that operation of the system has caused a violation of a statute or rule administered by the department after May 1, 1998;

(d) public sewage systems with a design capacity less than 5000 gallons per day, that are reviewed and approved by the department after May 1, 1998, under Title 75, chapter 6, MCA, and ARM 17.38.101;

(e) multi-family sewage disposal systems reviewed and approved by the department under Title 76, chapter 4, MCA, and multi-family sewage disposal systems reviewed and approved by a local government under Title 76, chapter 3, MCA, after May 1, 1998. However, this exclusion does not apply to aerobic package plant systems, mechanical treatment plants, and nutrient removal systems, which require a high degree of operation and maintenance, or systems which require monitoring pursuant to ARM 17.30.517(1)(d)(ix);

(f) multi-family sewage disposal systems reviewed and approved by the Department of Public Health and Human Services under Title 50, chapters 50, 51, and 52, MCA, and multi-family sewage disposal systems reviewed and approved by local boards of health under Title 50, chapter 2, MCA, after May 1, 1998. However, this exclusion does not apply to aerobic package plant systems, mechanical treatment plants, and nutrient removal systems, which require a high degree of operation and maintenance, or systems which require monitoring pursuant to ARM 17.30.517(1)(d)(ix);

(g) public sewage systems that apply reclaimed wastewater at agronomic rates to land as a method of disposal and that have been reviewed and approved by the department under Title 75, chapter 6, MCA, and ARM 17.38.101;

(h) public sewage systems that discharge unrestricted reclaimed wastewater and that have been reviewed and approved under Title 75, chapter 6, MCA, and ARM 17.38.101. Discharges of unrestricted reclaimed wastewater excluded under this rule remain subject to the monitoring and reporting requirements imposed as a condition of approval under ARM 17.38.101(8)(c).

(2) Notwithstanding the exclusions set forth in (1), all sources are subject to the provisions of ARM 17.30.1001 through 17.30.1003, 17.30.1010, 17.30.1011, and 17.30.1045. Furthermore, any excluded source which the department determines may be causing or is likely to cause violations of ground water quality standards may be required to submit monitoring information pursuant to 75-5-602, MCA. (History: 75-5-401, MCA; IMP, 75-5-401, 75-5-602, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, and AMD, 1996 MAR p. 1499, Eff. 6/7/96; AMD, 1997 MAR p. 402, Eff. 2/25/97; AMD, 1998 MAR p. 1164, Eff. 5/1/98; AMD, 2012 MAR p. 2067, Eff. 10/12/12.)

17.30.1023 PERMIT APPLICATIONS (1) The owner or operator of any existing source not excluded under ARM 17.30.1022 discharging pollutants into state ground waters shall file an MGWPCS permit application within one year of October 29, 1982.

(2) The owner or operator of any source with an MGWPCS permit who proposes any modification, subsequent to October 29, 1982, which the department determines may result in violation of existing permit conditions shall file a new completed MGWPCS permit application no less than 180 days prior to the day on which it is desired to commence operation of the modified discharge.

(3) The owner or operator of any proposed source not excluded under ARM 17.30.1022 which may discharge pollutants into state ground waters shall file a completed MGWPCS permit application no less than 180 days prior to the day on which it is desired to commence operation of the source.

(4) All applications for an MGWPCS permit must be submitted on forms obtained from the department and must contain the following information as deemed necessary by the department:

- (a) a specific site plan, indicating topography;
- (b) location of treatment works and disposal systems;
- (c) location of adjacent state surface waters;
- (d) list of surface owners and lessees of land within one mile of the proposed source;
- (e) location of water supply wells and springs within one mile;
- (f) description of waste or process solutions to be contained on site; and
- (g) information describing existing ground water quality and uses within one mile of the site.

(5) The department may require the submission of additional data and information with any MGWPCS permit application where warranted by the potential impacts of a source including, but not limited to, the following:

(a) specific design conditions and process descriptions, proposed alternatives, soil conditions, descriptions in areas proposed for location of treatment ponds and land disposal, geological conditions, ground water characteristics, local hydrogeology, discussion of potential for and measures to be taken for emergency and accidental spills, chemical and physical characteristics of process water and wastewater, nature of proposed pond sealants and linings.

(b) for industrial wastes, waste flow diagrams showing water and material balances, chemical additions, and waste volumes and concentrations before and after treatment including, but not limited to, oil and other floating material, biochemical oxygen demand, settleable and suspended solids, acids, alkalis, dissolved salts, organic materials, toxic materials, compounds producing taste and odor in water, and colored materials and dyes.

(c) proposed measures to be taken to provide alternative water supplies or treatment in the event any domestic, municipal, agricultural, or commercial/industrial well is adversely affected by the operation of the source; and

(d) a written evaluation of alternative disposal practices for maximization of environmental protection.

(6) Operators who have submitted permit applications for ground water discharge sources to the department under the MPDES permit program will be deemed to have complied with the requirements of this rule. (History: 75-5-401, MCA; IMP, 75-5-401, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499.)

17.30.1024 REVIEW PROCEDURES (1) No application will be processed by the department until all of the requested information is supplied and the application is complete. The department shall make a determination of the completeness of the information within 30 calendar days of receipt of an application.

(2) After receipt of a MGWPCS permit application and requested supplemental information, the department shall make a tentative determination with respect to issuance or denial of an MGWPCS permit. The tentative determination must be based on compliance or noncompliance with the requirements of this subchapter and Title 75, chapter 5, MCA.

(3) After making the tentative determination, the department shall take the following action:

(a) If the determination is to deny an MGWPCS permit, the department shall give written notice of the denial to the applicant, including a statement of reasons for the denial.

(b) If the determination is to issue an MGWPCS permit, the department shall prepare a draft MGWPCS permit, which must include the following:

- (i) proposed discharge limitations and conditions;
- (ii) monitoring and reporting requirements if any;
- (iii) necessary schedules of compliance, including interim dates and requirements for meeting proposed discharge limitations or other special conditions.

(4) A public notice of every completed MGWPCS permit application must be circulated by the department in accordance with the procedures described in ARM 17.30.1040 to inform the public of the proposed discharge and of the tentative determination.

(5) The department shall provide a period of not less than 30 days following the date of the public notice during which time any person may submit written views or request a public hearing on the tentative determination. Any request for a public hearing must indicate the interest of the party filing the request and the reasons why a hearing is warranted.

(6) The department may hold a hearing on its own initiative or when it determines good cause exists to hold such a hearing upon request of any person. Public notice of a public hearing on a tentative determination must be given in accordance with ARM 17.30.1040.

(7) If a public hearing is not held pursuant to (6), the department shall, within 30 days after termination of the comment period provided for in (5), make a final determination on issuance or denial of an MGWPCS permit. All written comments submitted during the 30-day comment period must be retained by the department and considered in the formation of the final determination.

(8) If a public hearing is held on the tentative determination, the department shall make its final determination on the MGWPCS permit application within 60 days following the hearing. All comments recorded during the public hearing and written comments submitted during the 30-day comment period required in (5) must be retained by the department and considered in the formation of the final determination.

(9) After making the final determination on an MGWPCS permit application the department shall issue an MGWPCS permit or give written notice to the applicant of the department's decision to deny, including notice to the applicant of its right to appeal the denial to the board. (History: 75-5-401, MCA; IMP, 75-5-401, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499.)

Rules 17.30.1025 through 17.30.1029 reserved

17.30.1030 GENERAL PERMIT CONDITIONS All issued MGWPCS permits must contain general conditions including but not limited to, the following:

(1) All discharges of pollutants into state ground waters authorized by an MGWPCS permit must be consistent with the conditions of the permit; any sewerage system, treatment works or disposal system expansions, production increases or process modifications which may result in new or increased discharges of pollutants into state ground waters in violation of permit conditions must be reported to the department. After review of this information, the department will determine whether submission of a new or modified MGWPCS permit application is necessary.

(2) The discharge of pollutants to state ground waters more frequently than or at a level in excess of that identified and authorized by an MGWPCS permit is a violation of the conditions of the permit.

(3) An MGWPCS permit may be modified, suspended, or revoked in whole or in part during its term under provisions of 75-5-403 and 75-5-404, MCA, for cause including, but not limited to, any of the following:

(a) violation of any conditions of the permit;

(b) obtaining an MGWPCS permit by misrepresentation or failure to disclose fully all relevant facts;

(c) a change in any condition or a violation of ground water standards or degradation of high quality ground waters caused by the discharge that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

(d) a failure or refusal by the permittee to comply with the requirements of 75-5-602, MCA.

(4) The department shall notify the permittee of any tentative determination that a permit should be modified pursuant to this section. The department shall provide a period of not less than 30 days following such notification during which time the permittee may submit its views regarding the tentative determination, which shall be considered in the formation of a final determination. The permittee may appeal any permit modification to the board of environmental review pursuant to 75-5-403, MCA. (History: 75-5-401, MCA; IMP, 75-5-401, 75-5-403, 75-5-404, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499.)

17.30.1031 SPECIAL PERMIT CONDITIONS All issued MGWPCS permits must contain special conditions which will assure compliance with the ground water quality standards, giving consideration to the economics of waste treatment and prevention. These conditions may include, but are not limited to, the following:

- (1) Authorization of discharges of pollutants into state ground waters.
- (2) Discharge limitations and, if necessary, compliance schedules on each authorized discharge of pollutants into state ground waters.
- (3) The basis of calculation of discharge limitations.
- (4) The prohibition of certain discharges without prior approval from the department.
- (5) Self-monitoring requirements for each authorized discharge including, but not limited to, the following:
 - (a) monitoring well configuration;
 - (b) pollutants to be monitored;
 - (c) frequency of monitoring, recording, and reporting;
 - (d) analytical and sampling methods to be utilized by the permittee;
 - (e) recording and reporting procedures to be utilized by the permittee; and
 - (f) procedures for reporting other considerations having an effect on authorized discharges or that may affect any of the conditions of the permit;
 - (g) the permittee will be required to maintain self-monitoring records for a minimum of three years.
- (6) Procedures to be used to alleviate ground water pollution if pollution in violation of permit conditions or ground water standards is detected. (History: 75-5-401, MCA; IMP, 75-5-401, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499.)

17.30.1032 DURATION OF PERMIT (1) Every permit issued under this subchapter must have a fixed term not to exceed ten years. (History: 75-5-401, MCA; IMP, 75-5-401, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499.)

17.30.1033 REISSUANCE OF PERMITS (1) Any permittee who wishes to continue to discharge after the expiration date of his MGWPCS permit must request reissuance of his permit at least 90 days prior to its date of expiration.

(2) The request for reissuance of an MGWPCS permit must be in letter form and contain as a minimum the following information:

(a) the number of the issued MGWPCS permit and date of its issuance; and
(b) any past, present, or future changes in the quantity or quality of the authorized discharge not reflected in the conditions and terms of the issued MGWPCS permit.

(3) The department shall review each request for reissuance of an MGWPCS permit in light of the existing MGWPCS permit, information provided by the permittee with the request for reissuance, and other information available to the department to insure that the following conditions exist:

(a) That the permittee is in compliance with or has substantially complied with all the conditions and terms of the expiring MGWPCS permit.

(b) That the discharge is consistent with applicable discharge limitations and compliance schedules and ground water quality standards.

(c) That the department has up-to-date information on the permittee's production levels and waste treatment practices and the quantity, quality, and frequency of the permittee's discharge.

(4) Following the review of the request for reissuance of an MGWPCS permit and any other supplemental information requested by the department, the department shall make a tentative determination to reissue or refuse to reissue an MGWPCS permit.

(5) The processing procedures for MGWPCS permit applications described in ARM 17.30.1024(4) through (9) will apply to the reissuance of an MGWPCS permit. (History: 75-5-401, MCA; IMP, 75-5-401, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499.)

Rules 17.30.1034 through 17.30.1039 reserved

17.30.1040 PUBLIC NOTICE (1) Public notice of every completed MGWPCS application must be mailed to any person upon request and must be circulated within the geographic area of the proposed discharge. Circulation may include any of the following:

- (a) posting in the post office and public places of the municipality nearest the premises of the applicant in which the discharge is located;
- (b) posting near the entrance to the applicant's premises and in nearby places; or
- (c) publishing in local newspapers and periodicals, or if appropriate, in a daily newspaper of general circulation.

(2) Public notice of any public hearing held pursuant to this subchapter must be circulated at least 30 days in advance of the hearing and at least as widely as was the notice for the MGWPCS application. Circulation must include at least the following:

- (a) publication of notice in at least one newspaper of general circulation;
- (b) distribution of notice to all persons and agencies receiving a copy of the notice for the MGWPCS application; and
- (c) distribution to any person or group upon request. (History: 75-5-401, MCA; IMP, 75-5-401, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499.)

17.30.1041 DISTRIBUTION OF INFORMATION (1) The following governmental agencies must be included on a mailing list for public notice of MGWPCS applications and are exempted from a copying fee where copies of a draft permit, fact sheet, or any related documents are requested:

- (a) United States Environmental Protection Agency;
 - (b) United States Bureau of Land Management;
 - (c) United States Bureau of Reclamation;
 - (d) United States Soil Conservation Service;
 - (e) United States Forest Service;
 - (f) United States Geological Survey;
 - (g) Montana Department of Natural Resources and Conservation;
 - (h) Montana Bureau of Mines and Geology;
 - (i) Montana Department of Fish, Wildlife and Parks;
 - (j) Montana Department of Agriculture;
 - (k) Montana Environmental Quality Council;
 - (l) any state or federal agency requesting an opportunity to participate in the MGWPCS permit review process;
 - (m) local health authorities in the county in which the source is located.
- (2) Any state whose waters may be affected by the issuance of an MGWPCS permit shall be provided a copy, upon request, of the MGWPCS application, draft permit, or any related documents.

(3) Upon request, the department shall add the name of any person or group to a mailing list to receive copies of notices for all MGWPCS applications.

(4) Interested parties may request or inspect a copy of the draft MGWPCS permit, or any related documents. A reasonable copying fee will be charged for any of the aforementioned documents. The copying fee for the documents relating to any particular MGWPCS application will be included as part of the notice of application. A request for MGWPCS application documents will not be processed unless payment of the stated copying fee is included with the request.

(5) The department shall provide facilities for the inspection of all information relating to MGWPCS applications and forms, except reports, papers, or information determined to be confidential in accordance with 75-5-105, MCA. A copying machine will be available to provide copies of this information at a reasonable fee. (History: 75-5-401, MCA; IMP, 75-5-105, 75-5-401, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499.)

17.30.1042 GENERAL PERMITS (1) The department may issue general MGWPCS permits pursuant to the provisions of ARM 17.30.1030. (History: 75-5-201, 75-5-401, MCA; IMP, 75-5-401, MCA; NEW, 1984 MAR p. 1804, Eff. 12/14/84; TRANS, from DHES, and AMD, 1996 MAR p. 1499.)

Rules 17.30.1043 and 17.30.1044 reserved

17.30.1045 EMERGENCY POWERS OF THE DEPARTMENT (1) This rule is applicable to spills or unanticipated discharges of pesticides, herbicides, other toxic substances or any other materials that would lower the quality of any ground waters of the state below Montana ground water quality standards.

(2) The owner, operator, or person responsible for a spill or unanticipated discharge must notify the department as soon as possible by contacting the Montana Disaster and Emergency Services 24-hour duty officer [(406)841-3911], and provide all relevant information about the spill.

(3) Pursuant to 75-5-621 and 75-5-622, MCA, and depending on the severity of the spill or accidental discharge, the department may require the owner or operator to:

- (a) take immediate remedial measures;
- (b) monitor the direction, depth and rate of movement of any contaminated ground waters and of the spilled or discharged material;
- (c) determine the probable impact, including the duration of impact, on existing water supply wells, springs, and anticipated future beneficial uses of the ground water supply impacted;
- (d) determine the probable impact, including the duration of impact, on surface waters that may be affected by contaminated ground waters; or
- (e) provide alternate water supplies to existing water uses disrupted by the spill or unanticipated discharge. (History: 75-5-201, MCA; IMP, 75-5-621, 75-5-622, MCA; NEW, 1982 MAR p. 1937, Eff. 10/29/82; TRANS, from DHES, 1996 MAR p. 1499.)

