

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	AMENDED NOTICE OF
17.36.103, 17.36.106, 17.36.112,)	PROPOSED
17.36.116, 17.36.310, 17.36.314,)	AMENDMENT
17.36.326, 17.36.330, 17.36.331,)	
17.36.333, 17.36.334, 17.36.335,)	(SUBDIVISIONS)
17.36.345, 17.36.802, and 17.36.804)	
pertaining to the adoption of a new version)	
of Department Circular DEQ-8)	

TO: All Concerned Persons

1. On September 22, 2017, the Department of Environmental Quality published MAR Notice No. 17-392 pertaining to the public hearing on the proposed amendment of the above-referenced rules and adoption of a new version of Department Circular DEQ-8 at page 1580 of the 2017 Montana Administrative Register, Issue Number 18.

2. The department will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice. If you require an accommodation, contact Sandy Scherer, Legal Secretary, no later than 5:00 p.m., March 27, 2018, to advise of the nature of the accommodation that you need. Please contact Sandy Scherer, Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail sscherer@mt.gov.

3. The department is amending its proposed amendments to ARM 17.36.310 and 17.36.345 as set forth below. All other proposed amendments to the above-referenced rules remain the same.

4. The department is proposing to amend ARM 17.36.310(3) to delete language that was inadvertently published in the original notice, as follows, stricken matter interlined, new matter underlined:

17.36.310 STORM DRAINAGE (1) through (2)(b) remain as proposed.

(3) A storm drainage plan ~~submitted under (2)~~ must include a maintenance plan for all drainage structures. The maintenance plan must describe the drainage structures, provide a maintenance schedule, and designate the entity responsible for performing maintenance. The reviewing authority may require the applicant to create a homeowner's association or other legal entity that will be responsible for maintenance of storm drainage structures and that will have authority to charge appropriate fees. The maintenance plan must include easements and agreements as necessary for operation and maintenance of all proposed storm drainage structures or facilities.

(4) through (9) remain as proposed.

5. The department is proposing to amend ARM 17.36.345 adopting the 2017 Edition of Department Circular DEQ-8. The department is proposing to modify the 2017 Edition of Department Circular DEQ-8 as it existed when the original notice was issued. These changes are as follows:

The department has deleted Table 3, titled Manning's Roughness Coefficient, from Appendix E. Eliminating the specific coefficients in the table will allow applicants and the reviewing authority to better evaluate specific site-based conditions and will allow applicants to choose roughness coefficients for materials and conveyance structures without going through the deviation process. This additional flexibility in the choice of coefficient will provide storm drainage calculations that more accurately reflect different landscapes and thus will improve storm water control. The department has deleted references to Table 3 throughout the circular and has replaced them with more specific roughness coefficients.

The department has corrected typographical errors in the spreadsheet example in Appendix G. Under Post-Development Characteristics, the department has corrected the column heading "100-year, 24-hour i (volume)" to read "100-year, T_c (flow rate)," and the heading "2-year, 24-hour (flow rate)" to read "100-year, 24-hour (volume)."

The department has corrected a typographical error in Appendix I. The solution to the hypothetical problem incorrectly stated that the total impervious area must be less than 15 percent. As established in Section 3.2, this should have been 25 percent, and the example and calculations have been corrected accordingly.

6. The proposed modification to Department Circular DEQ-8 (2017) showing the amendments may be viewed at the department's website using the following path: <http://deq.mt.gov/Water/PWSUB/sub>. Copies may also be obtained by contacting Leata English at (406) 444-4224, or by emailing her at: LEnglish@mt.gov.

7. Concerned persons may submit their data, views, or arguments, in writing, to Sandy Scherer, Legal Secretary, Department of Environmental Quality, 1520 East Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to sscherer@mt.gov, no later than 5:00 p.m., April 13, 2018. To be guaranteed consideration, comments must be postmarked on or before that date. All comments received to date on the proposed rules referenced above and comments received in response to this Amended Notice of Proposed Amendment will be addressed in the adoption for this Amended Notice of Proposed Amendment.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ Edward Hayes
EDWARD HAYES
Rule Reviewer

BY: /s/ Tom Livers
TOM LIVERS,
Director

Certified to the Secretary of State, March 6, 2018.