

NEW RULE 1. NATURAL AND NONANTHROPOGENIC WATER QUALITY STANDARDS

(1) Named waterbodies or waterbodies within geographic regions listed below have natural or nonanthropogenic concentrations for one or more parameter that exceed the applicable standards. For these waterbodies, the standards are provided here and supersede the otherwise applicable water quality standards found elsewhere in state law.

(2) Named waterbodies or waterbodies within geographic regions listed below have no assimilative capacity for the applicable natural and nonanthropogenic standards, therefore the department may not grant a mixing zone under Title 17 Chapter 30, subchapter 5.

(3) No person may violate the numeric water quality standards identified below:

(a) Mainstem Yellowstone River Standards. Water quality standards for human health for total recoverable arsenic (CASRN number 7440-38-2), applicable by season (high flow— May through July; low flow—August through April). Average arsenic concentration during a season may not exceed the standards, and downstream water quality and applicable beneficial uses shall continue to be maintained. The standards for high flow and low flow seasons, specified by river reach, are as follows:

(i) From the Montana/Wyoming border (44.9925, -110.5172) to the mouth of Mill Creek (45.4165, -110.6548): high flow, 11 µg/L; low flow, 32 µg/L;

(ii) From the mouth of Mill Creek (45.4165, -110.6548) to the mouth of the Boulder River (45.8530, -109.9247): high flow, 11 µg/L; low flow, 24 µg/L;

(iii) From the mouth of the Boulder River (45.8530, -109.9247) to the mouth of the Stillwater River (45.6399, -109.2829): high flow, 10 µg/L; low flow, 18 µg/L;

(iv) From the mouth of the Stillwater River (45.6399, -109.2829) to the mouth of the Clarks Fork of the Yellowstone River (45.6510, -108.7145): high flow, 10 µg/L; low flow, 14 µg/L; and

(v) From the mouth of the Clarks Fork of the Yellowstone River (45.6510, -108.7145) to the mouth of the Bighorn River (46.1562, -107.4736): high flow, not applicable (Circular DEQ-7 standard applies); low flow, 10 µg/L.