

Mixing Zone Rules
Summary
January 2000
Abe Horpestad

The mixing zone rules (17.30.501) are authorized by section 75-5-301(4) of the water quality act. This section of the act requires the Board of Environmental Review to:

“Adopt rules governing the granting of mixing zones, requiring that mixing zones granted by the department be specifically identified and requiring that mixing zones have:

- (a) the smallest practicable size;
- (b) a minimum practicable effect on water uses; and
- (c) definable boundaries;”

Mixing zones are defined in the act as follows. "Mixing zone" means an area established in a permit or final decision on nondegradation issued by the department where water quality standards may be exceeded, subject to conditions that are imposed by the department and that are consistent with the rules adopted by the board.

The mixing zone rules include definitions (17.30.502), general considerations (17.30.505), specific restrictions for surface water mixing zones (17.30.507), and specific restrictions for ground water mixing zones (17.30.508).

The department will determine the applicability of a mixing zone and, if applicable, its size, configuration, and location after assessing information received from the applicant concerning the biological, chemical, and physical characteristics of the receiving water. No mixing zone will be granted if it would threaten or impair existing beneficial uses.

For surface waters, narrative water quality standards, standards for harmful substances, numeric acute and chronic standards for aquatic life, and standards based on human health must not be exceeded beyond the boundaries of the surface water mixing zone. Acute standards for aquatic life for any parameter may not be exceeded in any portion of a mixing zone, unless the department specifically finds that allowing minimal initial dilution will not threaten or impair existing beneficial uses.

For ground water, human health based ground water standards must not be exceeded beyond the boundaries of the mixing zone. No mixing zone for ground water will be allowed if the zone of influence of an existing drinking water supply well will intercept the mixing zone.

The rules specify the extent of standard mixing zones for surface water (17.30.516), and for ground water (17.30.517). In addition, the rules provide for source specific mixing zones provided that an applicant requests one and provides the data to demonstrate to the department that the requested mixing zone will comply with the requirements of ARM 17.30.506 and 17.30.507 and the provisions of 75-5-303, MCA.

This is a very short and incomplete summary of the rules. You are encouraged to read the rules. If you have questions about them please contact:

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