

DRAFT RULES FOR IMPLEMENTATION OF MCA 75-5-222 PART 1

To add to definition section in 17.30.602:

“Nonanthropogenic condition” means the background concentration of a parameter in surface water or groundwater due only to non-anthropogenic sources, i.e., non-human induced sources.

“Nonanthropogenic standard (NAS)” means a numeric water quality standard established pursuant to 75-5-222(1) and [New Rule I] to protect the nonanthropogenic condition of a water body.

NEW RULE I. NAS methods. (1) The department may develop NAS methods to facilitate the development of NASs where existing water quality standards are more stringent than the nonanthropogenic condition of the waterbody.

(2) NAS methods must be sufficiently detailed with suitable safeguards to ensure predictable, repeatable outcomes. NAS methods must describe:

- (a) a demonstration of the nonanthropogenic condition of a water body,
- (b) calculation of NASs, and
- (c) requirements for beneficial use revisions.

(3) Subsequent to adoption of a NAS method by the Board of Environmental Review and approval by EPA, resulting NASs become effective as rule after Department review of scientific validity, a public review process, and Department approval. Any publically noticed document in which NASs are included is adequate public review.

(4) The board adopts and incorporates by reference Department Circular DEQ-14, “Nonanthropogenic Standards Development.” Methods for demonstration of nonanthropogenic conditions and NAS methods are included in Department Circular DEQ-14. The Department must maintain a publically available, comprehensive list of all NASs derived using NAS methods.

(5) All waters with one or more NAS shall maintain a level of water quality for the parameter or parameters for which NAS exist (concentration and load at the pour point) that is demonstrated by water quality modeling to provide for the attainment and maintenance of water quality standards of downstream waters, including the waters of another state or tribe.