

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

In the matter of the amendment of ARM )	NOTICE OF PUBLIC HEARING ON
17.30.1001, 17.36.345, 17.36.914, )	PROPOSED AMENDMENT
17.38.101, and 17.50.819 pertaining to )	
definitions, adoption by reference, )	(WATER QUALITY)
wastewater treatment systems: )	(SUBDIVISIONS/ON-SITE
technical requirements, plans for public )	SUBSURFACE WASTEWATER
water supply or public sewage system, )	TREATMENT)
plans for public water supply or )	(PUBLIC WATER AND SEWAGE
wastewater system, and incorporation by) )	SYSTEM REQUIREMENTS)
reference and availability of referenced )	(SOLID WASTE MANAGEMENT)
documents )	

TO: All Concerned Persons

1. On January 14, 2016, at 1:00 p.m., the Board of Environmental Review and the Department of Environmental Quality will hold a public hearing in Room 111, Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The board and department will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact Elois Johnson, Paralegal, no later than 5:00 p.m., January 5, 2016, to advise us of the nature of the accommodation that you need. Please contact Elois Johnson at Department of Environmental Quality, P.O. Box 200901, Helena, Montana 59620-0901; phone (406) 444-2630; fax (406) 444-4386; or e-mail [ejohnson@mt.gov](mailto:ejohnson@mt.gov).

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

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

(1) through (16) remain the same.

(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" (~~May 2012~~ 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" (~~May 2012~~ 2016 edition). Copies are available from the Department of Environmental Quality, Technical and Financial Assistance Bureau, P.O. Box 200901, Helena, MT 59620-0901.

AUTH: 75-5-201, 75-5-401, MCA  
IMP: 75-5-301, 75-5-401, MCA

17.36.345 ADOPTION BY REFERENCE (1) For purposes of this chapter, the department adopts and incorporates by reference the following documents. All references to these documents in this chapter refer to the edition set out below:

- (a) remains the same.
- (b) Department Circular DEQ-2, "Design Standards for Public Sewage Systems," ~~2012~~ 2016 edition;
- (c) through (2) remain the same.

AUTH: 76-4-104, MCA  
IMP: 76-4-104, MCA

17.36.914 WASTEWATER TREATMENT SYSTEMS - TECHNICAL REQUIREMENTS (1) remains the same.

(2) Department Circular DEQ-4, 2013 edition, which sets forth standards for subsurface sewage treatment systems, and Department Circular DEQ-2, ~~2012~~ 2016 edition, which sets forth design standards for public sewage systems, are adopted and incorporated by reference for purposes of this subchapter. All references to these documents in this subchapter refer to the editions set out above. Copies are available from the Department of Environmental Quality, P.O. Box 200901, Helena, MT 59620-0901.

- (3) through (7) remain the same.

AUTH: 75-5-201, MCA  
IMP: 75-5-305, MCA

17.38.101 PLANS FOR PUBLIC WATER SUPPLY OR PUBLIC SEWAGE SYSTEM (1) through (19)(b) remain the same.

(20) For purposes of this chapter, the board adopts and incorporates by reference the following documents. All references to these documents in this chapter refer to the edition set out below:

- (a) remains the same.
- (b) Department of Environmental Quality Circular DEQ-2, ~~2012~~ 2016 edition, which sets forth the requirements for the design and preparation of plans and specifications for sewage works;
- (c) through (21) remain the same.

AUTH: 75-6-103, MCA  
IMP: 75-6-103, 75-6-112, 75-6-121, MCA

17.50.819 INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED DOCUMENTS (1) The department adopts and incorporates by reference:

- (a) Department Circular DEQ-2, Design Standards for Public Sewage Systems (~~2012~~ 2016 edition), which sets forth design standards for public sewage

systems;

(b) through (3) remain the same.

AUTH: 75-10-1202, MCA

IMP: 75-10-1202, MCA

REASON: The department has modified the wastewater operator certification classification. Before the amendments became effective, there were four classes in Department Circular DEQ-2 (DEQ-2). The department rule amendments combine the four classes into two classes.

The 2012 edition of DEQ-2 contains a reference to the previous four-tiered classification. Therefore, it is necessary to update the Circular. The proposed amendment to DEQ-2 is necessary to direct interested parties to ARM 17.40.202.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Avenue, P.O. Box 200901, Helena, Montana 59620-0901; faxed to (406) 444-4386; or e-mailed to [ejohnson@mt.gov](mailto:ejohnson@mt.gov), no later than 5:00 p.m., January 21, 2016. To be guaranteed consideration, mailed comments must be postmarked on or before that date.

5. Ben Reed, attorney for the board, or another attorney for the Agency Legal Services Bureau, has been designated to preside over and conduct the hearing.

6. The board and department maintain a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supply; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA; underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Elois Johnson, Paralegal, Department of Environmental Quality, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, e-mailed to Elois Johnson at [ejohnson@mt.gov](mailto:ejohnson@mt.gov), or may be made by completing a request form at any rules hearing held by the board.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the board and department have determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

Reviewed by: BOARD OF ENVIRONMENTAL REVIEW

/s/ John F. North  
JOHN F. NORTH  
Rule Reviewer

BY: /s/ Joan Miles  
JOAN MILES  
Chairman

DEPARTMENT OF ENVIRONMENTAL  
QUALITY

BY: /s/ Tom Livers  
TOM LIVERS  
Director

Certified to the Secretary of State, December 14, 2015.